

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION
4 - - -
5

6 IN RE: NATIONAL : HON. DAN A.
7 PRESCRIPTION OPIATE : POLSTER
8 LITIGATION :
9 :
10 APPLIES TO ALL CASES : NO.
11 : 1:17-MD-2804
12 :
13

14 - HIGHLY CONFIDENTIAL -
15

16 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW
17 - - -
18

19 January 10, 2019
20 - - -
21

22 Videotaped deposition of
23 FRANK DEVLIN, taken pursuant to
24 notice, was held at the offices of
 Zuckerman Spaeder, LLP, 1800 M Street NW,
 Suite 1000, Washington, D.C., beginning
 at 8:33 a.m., on the above date, before
 Michelle L. Gray, a Registered
 Professional Reporter, Certified
 Shorthand Reporter, Certified Realtime
 Reporter, and Notary Public.

25 - - -
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I N D E X

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DEPOSITION SUPPORT INDEX

Direction to Witness Not to Answer

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None.

Request for Production of Documents

PAGE LINE

None.

Stipulations

PAGE LINE

None.

Questions Marked

PAGE LINE

None.

1 THE VIDEOGRAPHER: We are
2 now on the record.

3 My name is Dan Lawlor, I'm a
4 videographer with Golkow
5 Litigation Services.

6 Today's date is January 10,
7 2019, and the time is 8:33 a.m.

8 This video deposition is
9 being held in Washington, DC, in
10 the matter of National
11 Prescription Opiate litigation,
12 MDL Number 2804.

13 The deponent is Frank
14 Devlin.

15 Counsel will be noted on the
16 stenographic record.

17 The court reporter is
18 Michelle Gray and will now swear
19 in the witness.

20 - - -

21 ... FRANK DEVLIN,
22 having been first duly sworn, was
23 examined and testified as follows:

24 - - -

1 EXAMINATION

2 - - -

3 BY MR. BAKER:

4 Q. Please state your name.

5 A. Frank Devlin.

6 Q. Mr. Devlin, where do you
7 live?

8 A. I live in Pocasset,
9 Massachusetts.

10 Q. What is your employment
11 right now?

12 A. Excuse me?

13 Q. Where are you employed right
14 now?

15 A. I own my own consulting
16 company.

17 Q. What's the name of the
18 company?

19 A. Seashore Risk Management.

20 Q. And what is the nature of
21 that business?

22 A. It's a consulting firm
23 focusing on safety, OSHA compliance,
24 auditing, forklift training.

1 Q. Are your customers corporate
2 customers?

3 A. Yes.

4 Q. Is CVS one of your
5 customers?

6 A. No.

7 Q. Have you courted CVS to be
8 one of your customers?

9 MS. MILLER: Object to form.

10 BY MR. BAKER:

11 Q. Have you tried to get CVS to
12 become one of your customers?

13 MS. MILLER: Objection.

14 BY MR. BAKER:

15 Q. Go ahead.

16 A. No.

17 Q. Have you made any contact
18 with CVS since leaving CVS in 2012?

19 A. No.

20 Q. What was the reason you left
21 CVS in 2012?

22 A. A better employment
23 opportunity.

24 Q. What was the better

1 employment opportunity?

2 A. Amazon.

3 Q. Is that where Mr. Burtner
4 also went to work, Aaron Burtner?

5 A. Yes.

6 Q. Okay. Did -- did you help
7 Mr. Burtner get employed at Amazon?

8 MS. MILLER: Object to form.

9 BY MR. BAKER:

10 Q. Did you?

11 MS. MILLER: Object.

12 BY MR. BAKER:

13 Q. Go ahead.

14 Let me explain. When the
15 attorney objects, she objects to form.
16 That doesn't mean you can't answer the
17 question. It's just a technicality in
18 the rules of procedure where she says
19 object to form, so she preserves the
20 right to go to the judge and have the
21 question looked at by the judge to
22 determine if it's a properly phrased
23 question. And -- but it doesn't mean you
24 don't answer the question.

1 So if she instructs you not
2 to answer, that would be the only time
3 you wouldn't answer the question. Fair
4 enough?

5 MS. MILLER: And just,
6 Frank, that's correct. I'm noting
7 my objections on the record. You
8 may respond to the question unless
9 I instruct you not to answer.

10 THE WITNESS: Okay.
11 Can you repeat the question?

12 BY MR. BAKER:

13 Q. Yeah, many times during this
14 deposition counsel seated to your left
15 will say object to form. That's her
16 right to do that. That doesn't mean that
17 you don't answer the question. It's just
18 noted on the record that she objected to
19 the question. It doesn't necessarily
20 mean something's wrong with the question.
21 It's just she's preserving her right to
22 object at a later time.

23 A. I understood.

24 Q. Is that clear?

1 All right. So what, if any,
2 contact did you have with Mr. Burtner
3 before he came to work for Amazon, after
4 you left --

5 A. Yes.

6 Q. -- CVS, you went to Amazon,
7 right?

8 A. That is correct.

9 Q. In 2012.

10 A. That is correct.

11 Q. Okay. What contact did you
12 have with Mr. Burtner after you left CVS
13 to go to Amazon?

14 A. I reached out to Mr. Burtner
15 for possible employment opportunity with
16 Amazon.

17 Q. When did you do -- okay.
18 When did you do that?

19 MS. MILLER: Bill, would you
20 just give him a chance to answer?

21 MR. BAKER: Sure.

22 BY MR. BAKER:

23 Q. And I didn't mean to
24 overstep your answer, but you're --

1 you're kind of soft-spoken so I can't
2 tell when you're finished your answer.

3 THE WITNESS: Okay.

4 MS. MILLER: And, Frank,
5 give him time to complete his
6 question, please.

7 BY MR. BAKER:

8 Q. Are you ready for the
9 question?

10 A. Can you repeat your
11 question?

12 Q. Okay. The question is, when
13 did you reach out to Mr. Burtner for the
14 prospect of employment with Amazon when
15 you were at Amazon?

16 A. It probably would have been
17 sometime in 2013. I can't recall the
18 exact date.

19 Q. All right. And what was the
20 reason that you reached out to him?

21 MS. MILLER: Object to form.

22 THE WITNESS: I knew him and
23 I knew his capabilities.

24 BY MR. BAKER:

1 Q. Do you know whether or not
2 he expressed anything to you about being
3 unhappy at CVS with his employment?

4 MS. MILLER: Objection.

5 THE WITNESS: No.

6 MS. MILLER: Frank, just
7 give me a little time, stepping on
8 my objections. Go ahead.

9 BY MR. BAKER:

10 Q. Did Mr. Burtner express to
11 you any problems going on within the
12 morale of employees at CVS while he was
13 there?

14 MS. MILLER: Object to form.

15 BY MR. BAKER:

16 Q. Did he express that to you
17 at all?

18 MS. MILLER: Object to form.

19 THE WITNESS: No, not that I
20 can recall.

21 BY MR. BAKER:

22 Q. How long did you work at
23 Amazon while Mr. Burtner was also at
24 Amazon?

1 A. My employment at Amazon was
2 from beginning of November 2012 through
3 March of 2014.

4 Q. I'm going to go through a
5 list of acronyms which are abbreviations
6 for words. And I want to make sure
7 before we go into your deposition today
8 that when we use these acronyms, we're --
9 we're on the same page with respect to
10 these acronyms.

11 Okay? Are you with me? Do
12 you understand?

13 A. I do.

14 Q. Okay. All right. The first
15 acronym is SOM, can you tell us what SOM
16 stands for?

17 A. I believe that's suspicious
18 order monitoring.

19 Q. The next acronym is SOP, can
20 you tell us what SOP stands for?

21 MS. MILLER: Object to form.

22 THE WITNESS: I believe that
23 would be standard operating
24 procedure.

1 BY MR. BAKER:

2 Q. I'm asking you these
3 questions in reference to how they were
4 used at CVS. So that's the context of
5 the question. So at CVS, SOP was
6 standard operating procedure, correct?

7 MS. MILLER: Objection.

8 THE WITNESS: I believe so.
9 I can't say 100 percent. There
10 are a lot of -- a lot of
11 abbreviations, whether it was at
12 CVS or Amazon. So sometimes they
13 tend to blend together.

14 BY MR. BAKER:

15 Q. When we're talking about an
16 SOM SOP, would that be a suspicious order
17 monitoring standard of procedure at CVS
18 when you were there?

19 MS. MILLER: Objection.

20 THE WITNESS: No.

21 BY MR. BAKER:

22 Q. Sir? What's the answer?

23 MS. MILLER: Go ahead.

24 THE WITNESS: No.

1 BY MR. BAKER:

2 Q. What would an SOM SOP be?

3 MS. MILLER: Objection.

4 THE WITNESS: I believe it
5 would be suspicious order
6 monitoring standard operating
7 procedure.

8 BY MR. BAKER:

9 Q. Okay. When you're talking
10 about a P&P, is that policy and
11 procedure?

12 MS. MILLER: Objection.

13 THE WITNESS: Can you repeat
14 that?

15 BY MR. BAKER:

16 Q. P&P, is that policy and
17 procedure?

18 MS. MILLER: Objection.

19 THE WITNESS: I'd have to
20 see the context in how it's being
21 used.

22 BY MR. BAKER:

23 Q. Okay. DOJ, that's the
24 Department of Justice. Are you familiar

1 with that?

2 A. I've heard the terminology.

3 Q. DEA. Who is the DEA that
4 you know to exist in the context of your
5 employment when you worked there at CVS?

6 A. That would be the Drug
7 Enforcement Agency.

8 Q. FDA, who would that be in
9 the context of your employment at CVS
10 when you worked in the suspicious order
11 monitoring department?

12 MS. MILLER: Objection.

13 MR. BAKER: She objected.

14 BY MR. BAKER:

15 Q. What does FDA mean to you?
16 Food and Drug Administration. Do you
17 understand that?

18 A. I've heard that term used,
19 yes.

20 Q. Okay. CVS, what does that
21 stand for?

22 MS. MILLER: Objection.

23 THE WITNESS: I've heard it
24 stand for a couple different

1 terms.

2 BY MR. BAKER:

3 Q. Tell me.

4 A. For Consumer Value Stores.

5 Q. Anything else?

6 A. Also Convenience Value, and
7 I forget what the other S was.

8 Q. C.F.R., Code of Federal
9 Regulation, are you familiar with that?

10 A. Which one?

11 Q. Are you familiar with the
12 concept of Code of Federal Regulation?
13 Are you familiar with that term?

14 A. I've heard the term
15 "C.F.R.," yes.

16 Q. CSA, Controlled Substances
17 Act, have you ever heard of that?

18 MS. MILLER: Objection.

19 THE WITNESS: I believe I
20 may have heard that, yes.

21 BY MR. BAKER:

22 Q. Okay. When you worked at
23 CVS, that was from May of 25 -- May of
24 2005 to October of 2012; is that right?

1 A. No.

2 Q. When did you work there?

3 A. February 11th, 1991, through
4 the end of October 2012.

5 Q. Do you have a LinkedIn page?

6 A. Yes.

7 Q. Let me show you what's been
8 marked as Plaintiff's Exhibit Number 130.

9 (Document marked for
10 identification as Exhibit
11 CVS-Devlin-P-130.)

12 BY MR. BAKER:

13 Q. Is this your LinkedIn page
14 that you're looking at?

15 A. I need to get my glasses.

16 Q. Is that it?

17 A. I need to look through it
18 first. Appears to be, yes.

19 Q. Okay. On your LinkedIn
20 page, the second-to-last page, it has CVS
21 Health.

22 MR. BAKER: Page forward,
23 please.

24 BY MR. BAKER:

1 Q. At the top, it says here
2 that you were employed at CVS Health from
3 May 2005 to October 2012, seven years and
4 six months. Did you enter that data in
5 your page?

6 A. Yes.

7 Q. Okay. What was the reason
8 that you chose that time frame to tell
9 everybody that you were employed at CVS
10 Health as opposed to 1991 forward?

11 MS. MILLER: Objection.

12 THE WITNESS: Just from an
13 age standpoint.

14 BY MR. BAKER:

15 Q. What do you mean an age
16 standpoint?

17 A. Just there's no requirement
18 on LinkedIn as far as putting down exact
19 employment dates.

20 Q. What happened in May of 2005
21 with respect to your employment that
22 causes you to choose that date?

23 A. I believe at that point, and
24 not 100 percent sure that I probably

1 would have been promoted to another level
2 in a director position.

3 Q. What position were you
4 promoted to in May of 2005 at CVS Health?

5 A. CVS had various levels of
6 director positions.

7 Q. What was the position?

8 A. It was a similar position to
9 what I was already doing.

10 Q. What was the name of the
11 position?

12 A. Director of logistics, loss
13 prevention.

14 Q. Okay. So at that point you
15 continued to work as director of
16 logistics, loss prevention from May 2005
17 to October 2012; is that right?

18 A. Can you repeat that?

19 Q. Did you work as director of
20 logistics, loss prevention from May 2005
21 to October 2012 at CVS Health?

22 A. Yes.

23 Q. Okay. During that time, was
24 CVS known as CVS Health or CVS Caremark?

1 MS. MILLER: Objection.

2 THE WITNESS: They were
3 probably -- they've had so many
4 different names. It could have
5 been CVS Caremark.

6 BY MR. BAKER:

7 Q. Okay.

8 (Document marked for
9 identification as Exhibit
10 CVS-Devlin-P-131.)

11 BY MR. BAKER:

12 Q. Let me show you Exhibit 131.
13 I'm trying to get an accurate history of
14 the names of the corporations within CVS
15 Health. And I'd like to spend some time
16 doing that with you.

17 If you could turn -- this
18 comes from CVS Health's website. And if
19 you turn to the area of 2001 through
20 2006. Go about eight pages in.

21 A. What was the date again?

22 Q. 2001 at the top of the page.

23 Do you see it? Are you there?

24 A. "CVS introduces ExtraCare

1 card"?

2 Q. Correct. Okay. Go down to
3 2003. It says, "CVS Caremark Rx and
4 AdvancePCS announce strategic
5 combination, creating a \$23 billion
6 company." Were you with them at the
7 time?

8 MS. MILLER: Objection.

9 BY MR. BAKER:

10 Q. Were you with CVS Caremark
11 at the time?

12 MS. MILLER: Objection.

13 THE WITNESS: I was employed
14 at CVS from February 11, 1991
15 through the end of October 2012.

16 BY MR. BAKER:

17 Q. Okay. So 2003 you would
18 have been employed by CVS Caremark?

19 MS. MILLER: Objection.

20 BY MR. BAKER:

21 Q. Yes?

22 A. Yes.

23 Q. Okay. All right. Then it
24 talks about in 2007, it says, "CVS" -- go

1 to the next page. It says, "CVS
2 Corporation and Caremark Rx, Inc.,
3 complete their transformative merger,
4 creating CVS Caremark, the nation's
5 premier integrated pharmacy services
6 provider."

7 Is that, to your knowledge,
8 when CVS became known as CVS Caremark?

9 MS. MILLER: Objection.

10 BY MR. BAKER:

11 Q. Or not?

12 MS. MILLER: Objection.

13 THE WITNESS: That's what
14 this document says. I wouldn't
15 know that.

16 BY MR. BAKER:

17 Q. Who was your employer in
18 2007 at CVS, which CVS entity?

19 MS. MILLER: Objection.

20 THE WITNESS: I just refer
21 to CVS as CVS.

22 BY MR. BAKER:

23 Q. Okay.

24 A. I didn't get -- I didn't get

1 kind of hung up as far as whether it's
2 CVS Pharmacy, CVS Distribution, CVS
3 Logistics, CVS Health, CVS Caremark.
4 It's CVS.

5 Q. Okay. Do you know when the
6 corporation became known as CVS Health?

7 MS. MILLER: Objection.

8 THE WITNESS: No.

9 BY MR. BAKER:

10 Q. Okay. Go to 2014, under the
11 history of the company.

12 MS. MILLER: Mr. Baker, just
13 a question about the document.

14 Where was this obtained
15 from?

16 MR. BAKER: From the
17 website, CVS.com. It says it
18 right there at the top.

19 BY MR. BAKER:

20 Q. You see on the page under
21 2014, do you see that? You're there.
22 2014. Go to the next page.

23 A. It's cut off.

24 Q. Go to the next page. Go

1 about a third of the way down the page.

2 It says, "CVS Caremark announces that its
3 corporate name has changed to CVS Health
4 to further reflect its broader commitment
5 to healthcare."

6 Do you see that?

7 A. I do.

8 Q. Okay. Is that, to your
9 knowledge, when CVS Caremark became known
10 as CVS Health?

11 MS. MILLER: Objection.

12 THE WITNESS: I really
13 didn't pay attention to it.

14 BY MR. BAKER:

15 Q. Okay. Well, you list CVS
16 Health as your employer. That's why I'm
17 wondering why you chose that name. Is
18 that the last name that the company was
19 known as at the time that you left, or
20 did it become known as CVS Health after
21 you left?

22 MS. MILLER: Objection.

23 THE WITNESS: The LinkedIn
24 page, it's not -- the LinkedIn

1 page isn't, as far as I know it is
2 not a legal document. And in
3 putting my history down, it's --
4 you try to keep current. So it's
5 not a reflection of -- I didn't
6 get into -- again, I didn't get
7 into whether it's CVS, CVS
8 pharmacy, CVS Health.

9 When you update your
10 LinkedIn page, that comes up, it's
11 now referred to as CVS Health.

12 BY MR. BAKER:

13 Q. Okay. Let me explain. I'm
14 not criticizing you for putting CVS
15 Health on there. I just want know the
16 name of the company that paid you while
17 you worked there. That's all I'm getting
18 at. Okay.

19 So when you left in 2012,
20 was the company known as CVS Health or
21 CVS Caremark, or do you know?

22 MS. MILLER: Objection --
23 objection. Asked and answered.

24 BY MR. BAKER:

1 Q. Do you know?

2 A. I believe I already answered
3 that.

4 Q. Okay. See, here is what I'm
5 asking you. Do you know whether or not
6 the company name was CVS Caremark or CVS
7 Health when you left, do you know?
8 That's all I'm asking.

9 MS. MILLER: Objection.

10 Asked and answered.

11 THE WITNESS: No.

12 BY MR. BAKER:

13 Q. Okay. You don't know.
14 Okay.

15 So when you worked there as
16 director of logistics loss prevention,
17 how many -- or excuse me. Where
18 physically were you located when you were
19 working as the director of logistics loss
20 prevention in 2005?

21 A. 2005. My office may have
22 been in the Woonsocket distribution
23 center.

24 Q. Where were you employed in

1 2006, where was your physical location?

2 A. It still may have been in
3 the distribution center. But I --

4 Q. Okay. How long did that
5 continue?

6 A. Probably, I don't know, it
7 was 2007, 2008 I moved to the corporate
8 office which was just up the street.

9 Q. Okay. So -- and from 2008
10 all the way through the time that you
11 left in 2012, were you in the corporate
12 office in Woonsocket, Rhode Island?

13 A. Yes. Various -- various
14 locations. I was 1 CVS Drive. I was
15 also at the --

16 Q. Let me show you what's
17 marked as Exhibit 130 --

18 A. I didn't finish.

19 Q. Yeah, go ahead. I'm just
20 trying to move through this, because we
21 only have a certain amount of time to do
22 this.

23 A. Okay.

24 Q. I appreciate the fact that

1 you're trying to be precise in your
2 answers, but if you drag it on beyond
3 what's necessary to answer the question,
4 it just makes us have to stay here that
5 much longer. And I'd really like to move
6 through this for your benefit, to catch
7 your airplane this afternoon and for
8 everybody's benefit. Okay? I'm not
9 trying to be ugly to you. I just want to
10 move through this. Okay?

11 A. All right.

12 Q. So if we could do that, I'd
13 appreciate you doing that in the context
14 of your answer.

15 A. Sure.

16 Q. I know you're nervous. It's
17 obvious from looking at you, but I'm not
18 trying to do anything other than ask you
19 straight questions and get straight
20 answers. Is that fair?

21 A. Okay. I just want to make
22 sure I understand the question.

23 Q. Sure. If you -- if you
24 think I'm being unfair with you, tell me.

1 Okay? But I'm trying to be very fair
2 with you in how I treat you --

3 A. No, I understand --

4 Q. -- and I want to be very
5 fair with you in terms of letting you
6 look at the documentation that I'm
7 looking at so you understand where I'm
8 coming from. I'm just trying to get the
9 facts. Is that -- is that clear?

10 A. Yes, sir.

11 Q. Okay.

12 MS. MILLER: And, Bill, just
13 give him a chance to answer the
14 question.

15 MR. BAKER: Sure. Sure.

16 (Document marked for
17 identification as Exhibit
18 CVS-Devlin-P-132.)

19 BY MR. BAKER:

20 Q. This is marked as
21 Exhibit 132. This is --

22 A. If I just can go back, I
23 wanted to just discuss where my office
24 was located.

1 Q. Sure. Go ahead.

2 A. I was 1 CVS Drive, and then
3 towards the end of my tenure we moved to
4 an office in Highland Drive which was in
5 Cumberland, Rhode Island. But it was
6 part of the same office complex.

7 Q. Okay. But during the period
8 of time that you were employed at CVS
9 from 2005 to 2012 when you were in the
10 logistics loss prevention department as
11 the director, you were physically located
12 in Rhode Island, correct?

13 A. Yes. That's -- that's where
14 my mail would come to, but I -- yes.

15 Q. Okay. And that's where your
16 physical office was located; is that
17 right?

18 A. Yes, sir.

19 Q. All right. I've handed you
20 Exhibit 132. This is a distribution
21 center printout for CVS Health. Can you
22 tell me when you worked there, when you
23 last left in 2012, approximately how many
24 distribution centers were there for CVS

1 Health across the United States?

2 MS. MILLER: Objection.

3 THE WITNESS: I'm sorry, can
4 you rephrase the question?

5 BY MR. BAKER:

6 Q. When you last worked at CVS
7 in October of 2012, that's when you last
8 worked there, right?

9 A. Yes, sir.

10 Q. Okay. How many distribution
11 centers were there for CVS? And I'm
12 going to say CVS because there's so many
13 different CVS entities.

14 A. Right.

15 Q. So when I say CVS, you know
16 who I'm talking about, correct?

17 A. Yes, sir.

18 Q. Okay. I'm talking about
19 your employer in 2012.

20 So how many distribution
21 centers were there at that time?

22 A. I'd say, off the top of my
23 head, maybe about 20.

24 Q. Okay. And out of that 20,

1 how many were licensed for distributing
2 narcotics?

3 MS. MILLER: Objection.

4 THE WITNESS: If you give me
5 a moment I can try to recall.

6 Maybe about eight.

7 BY MR. BAKER:

8 Q. Okay. Let's go through this
9 list. We'll make sure I get all of them.
10 Okay?

11 Look on this list, and
12 you'll see -- you can see where it's
13 yellowed in on your screen. Do you see
14 it on the screen?

15 A. Yeah --

16 Q. Okay.

17 A. That's difficult for me to
18 read.

19 Q. Okay. We'll put --

20 MS. MILLER: Mr. Baker, just
21 one moment.

22 MR. BAKER: Sure.

23 MS. MILLER: Can you tell us
24 the -- I notice there's no Bates

1 number on the document.

2 MR. BAKER: This is an --

3 MS. MILLER: Can you tell us
4 where this originated from?

5 MR. BAKER: This is an
6 internet document from CVS.com.
7 And this is where I got it. And I
8 want to make sure that he is able
9 to look at the yellowed-in version
10 on the screen.

11 You can pull the screen to
12 you.

13 MS. MILLER: But, Mr. --
14 Mr. Baker, this is as of June --

15 MR. BAKER: 2014.

16 MS. MILLER: Well, it says
17 June, it's dated June 14, 2018.

18 MR. BAKER: Yeah, I'm going
19 to ask him which ones were in
20 existence when he was there.

21 MS. MILLER: Okay.

22 MR. BAKER: Okay?

23 THE WITNESS: I have
24 distance glasses that I brought

1 with me.

2 BY MR. BAKER:

3 Q. Okay. Go ahead. All right.
4 Let's go through it if we could.

5 A. Can --

6 Q. Sure.

7 A. Do you want me to go get my
8 distance glasses?

9 Q. No. Just whatever you --
10 you can pull the screen right --

11 MS. MILLER: Or the document
12 in front of you is the same
13 document on the screen.

14 THE WITNESS: Okay. Just
15 it's difficult for me to see the
16 yellow highlight.

17 BY MR. BAKER:

18 Q. Are you ready?

19 A. If I can pull the screen
20 closer.

21 Q. Yes.

22 MS. MILLER: And again,
23 Bill, your question is as of when
24 he left --

1 MR. BAKER: Correct.

2 MS. MILLER: -- in 2012?

3 MR. BAKER: Correct. We're
4 going to go through that.

5 BY MR. BAKER:

6 Q. All right. The first -- you
7 see where it says type Rx? That's the
8 type of distribution center. Do you see
9 that, that would be Rx licensed?

10 A. Yes.

11 Q. Okay. All right. The first
12 one is CR, which is Conroe, Texas; is
13 that correct?

14 A. That was -- that was there,
15 yes.

16 Q. All right. Was that on
17 board in 2012?

18 A. I believe so, yes.

19 Q. All right. The second one
20 is Ennis, Texas. Do you see that?

21 A. Yes, correct?

22 Q. Was that on board as a
23 narcotics distribution center in 2012?

24 A. Yes.

1 MS. MILLER: Objection.

2 BY MR. BAKER:

3 Q. What does Rx mean to you?

4 MS. MILLER: Objection.

5 THE WITNESS: Pharmacy.

6 BY MR. BAKER:

7 Q. Okay. All right. So what
8 do you call the type of licensing that
9 these distribution centers have when they
10 are able to distribute narcotics, what do
11 you call that?

12 MS. MILLER: Objection.

13 THE WITNESS: I would call
14 it a DEA registered facility.

15 BY MR. BAKER:

16 Q. Okay. A DEA registered
17 facility is one that distributes -- that
18 has a license to distribute some form of
19 narcotics; is that right?

20 MS. MILLER: Objection.

21 THE WITNESS: It would be
22 Controls III through V, I believe.

23 BY MR. BAKER:

24 Q. Okay. Controlled Substances

1 III through V, correct?

2 A. Right.

3 Q. All right. And you know
4 that certain controlled substances under
5 III were narcotics, meaning hydrocodone
6 combination products, correct?

7 MS. MILLER: Objection.

8 BY MR. BAKER:

9 Q. You knew that?

10 MS. MILLER: Objection.

11 BY MR. BAKER:

12 Q. Right?

13 MS. MILLER: Objection.

14 THE WITNESS: Can you repeat
15 the question?

16 BY MR. BAKER:

17 Q. Did you know that
18 hydrocodone combination products were
19 Schedule III under the FDA?

20 MS. MILLER: Objection.

21 BY MR. BAKER:

22 Q. Did you know that?

23 MS. MILLER: Objection.

24 BY MR. BAKER:

1 Q. Controlled substances. If
2 they were Schedule III controlled
3 substances under the FDA scheduling, did
4 you know that?

5 MS. MILLER: Objection.

6 BY MR. BAKER:

7 Q. When you were there in 2012?

8 MS. MILLER: Objection.

9 THE WITNESS: At one point.

10 BY MR. BAKER:

11 Q. Okay. I know. Did you know
12 that, is what I'm asking?

13 MS. MILLER: Objection.

14 THE WITNESS: Yes.

15 BY MR. BAKER:

16 Q. Okay. So let's move forward
17 in this list. You have Florida, Vero
18 Beach, Florida. Was that one of the
19 facilities that distributed narcotics?

20 MS. MILLER: Objection.

21 THE WITNESS: I would use
22 the term "controls."

23 BY MR. BAKER:

24 Q. Okay. With respect to the

1 next one, Indianapolis, Indiana, was that
2 one of the facilities, one of the
3 distribution centers for CVS that
4 distributed controlled substances?

5 A. Yes.

6 Q. Okay. Kansas City, was that
7 on board when you were there or did that
8 open after you left?

9 A. I'm not aware of Kansas
10 City.

11 Q. Okay. Move to the next
12 page. New Jersey, which was Lumberton,
13 New Jersey. Was that a controlled
14 substances distribution center for CVS
15 when you were there, in Lumberton, New
16 Jersey?

17 A. Yes.

18 Q. Orlando, Florida, was that a
19 controlled substances distribution center
20 when you were at CVS?

21 A. Yes.

22 Q. Knoxville, Tennessee, was
23 that a controlled substance distribution
24 center when you were at CVS?

1 A. Yes.

2 Q. Patterson, California, was
3 that a controlled substance distribution
4 center when you were at CVS?

5 A. Yes.

6 Q. North Smithfield, Rhode
7 Island, was that a controlled substance
8 distribution center when you were at CVS?

9 MS. MILLER: Mr. Baker, I'm
10 sorry, can you tell me where you
11 are in the document?

12 MR. BAKER: About at the
13 bottom of Page 2.

14 MS. MILLER: Okay. Thank
15 you.

16 MR. BAKER: Okay.

17 THE WITNESS: Can you repeat
18 that?

19 BY MR. BAKER:

20 Q. Patterson, California, was
21 that a controlled substances distribution
22 center when you were at CVS?

23 A. Yeah, I believe so, yes.

24 Q. Okay. North Smithfield,

1 Rhode Island, was that a controlled
2 substances distribution center when you
3 were there at CVS?

4 A. Yes.

5 Q. Chemung, New York, was that
6 a controlled substance distribution
7 center for CVS when you were there?

8 A. Yes.

9 Q. Are you familiar with the
10 scheduling of controlled substances
11 through the Food and Drug Administration?

12 MS. MILLER: Objection.

13 THE WITNESS: I'm aware of
14 the scheduling. I'm not -- I
15 really can't recall as far as what
16 might be a V, what might be a IV,
17 what might be a III, what might be
18 a II.

19 BY MR. BAKER:

20 Q. Do you know, if you look
21 through that list that I just gave you of
22 the distribution centers, there's
23 different names of corporations that are
24 listed as the owners of those

1 distribution centers.

2 Do you see that on that
3 list?

4 MS. MILLER: Objection.

5 BY MR. BAKER:

6 Q. Let's go through first,
7 okay. If you start with Conroe, Texas.
8 Do you see that?

9 A. I do see that.

10 Q. Okay. Do you see it says
11 the DC name is CVS Pharmacy, Inc.? Do
12 you see that?

13 A. I do.

14 Q. Now, if you skip down to
15 Florida, the Vero Beach distribution
16 center, it says "CVS Vero, Florida
17 Distribution LLC."

18 Do you see that?

19 A. Yes, sir.

20 Q. Do you know why CVS names
21 these different facilities different
22 names instead of the same thing?

23 A. No idea.

24 MS. MILLER: Objection.

1 BY MR. BAKER:

2 Q. Okay. Look down below
3 there. It says Indiana, CVS Indiana LLC.
4 Do you see that?

5 A. Yes.

6 Q. Do you know why that's named
7 CVS Indiana LLC as opposed to, for
8 instance, CVS Pharmacy, Inc., or CVS
9 Healthcare or CVS something else? Do you
10 know why it's named that?

11 MS. MILLER: Objection.

12 THE WITNESS: No.

13 BY MR. BAKER:

14 Q. Was there any strategy that
15 you're aware of at CVS for naming these
16 facilities different corporate names like
17 that?

18 MS. MILLER: Objection.

19 THE WITNESS: It wasn't my
20 responsibility.

21 BY MR. BAKER:

22 Q. Okay. If you look at the
23 Lumberton, New Jersey one on the second
24 page. It lists that as owned by CVS

1 Pharmacy, Inc.

2 Do you see that?

3 A. Yes.

4 Q. Okay. If you look at
5 Chemung, New York. Look at the bottom of
6 Page 2. It says it's owned by CVS Rx
7 Services, Inc. Do you know why that
8 exists like that, as opposed to being
9 owned by CVS Pharmacy, Inc., or another
10 CVS entity?

11 MS. MILLER: Objection.

12 THE WITNESS: No.

13 BY MR. BAKER:

14 Q. When you were working there
15 last, at CVS, in 2012, which CVS entity
16 issued your paycheck?

17 A. I can't recall. I had
18 direct deposit.

19 Q. All right. From the time
20 that you worked at CVS from 2005 to 2012
21 in the department of logistics loss
22 prevention, were you involved with the
23 suspicious order monitoring program of
24 CVS?

1 A. First off, the department I
2 actually worked in would be the loss
3 prevention department.

4 Q. I understand that. My
5 question was, were you involved with the
6 suspicious order monitoring program?

7 A. During a period of time,
8 Yes, I was.

9 Q. Okay. And did that start in
10 2008?

11 MS. MILLER: Objection.

12 THE WITNESS: No. I believe
13 it would have been earlier than
14 that.

15 BY MR. BAKER:

16 Q. Okay. When did you first
17 start getting involved in the suspicious
18 order monitoring program at CVS?

19 A. I believe it may have been
20 around 2007.

21 Q. Okay. Was that when you
22 were involved with the initial drafts of
23 the suspicious order monitoring policy
24 and procedure?

1 MS. MILLER: Objection.

2 THE WITNESS: Can you repeat
3 that, please?

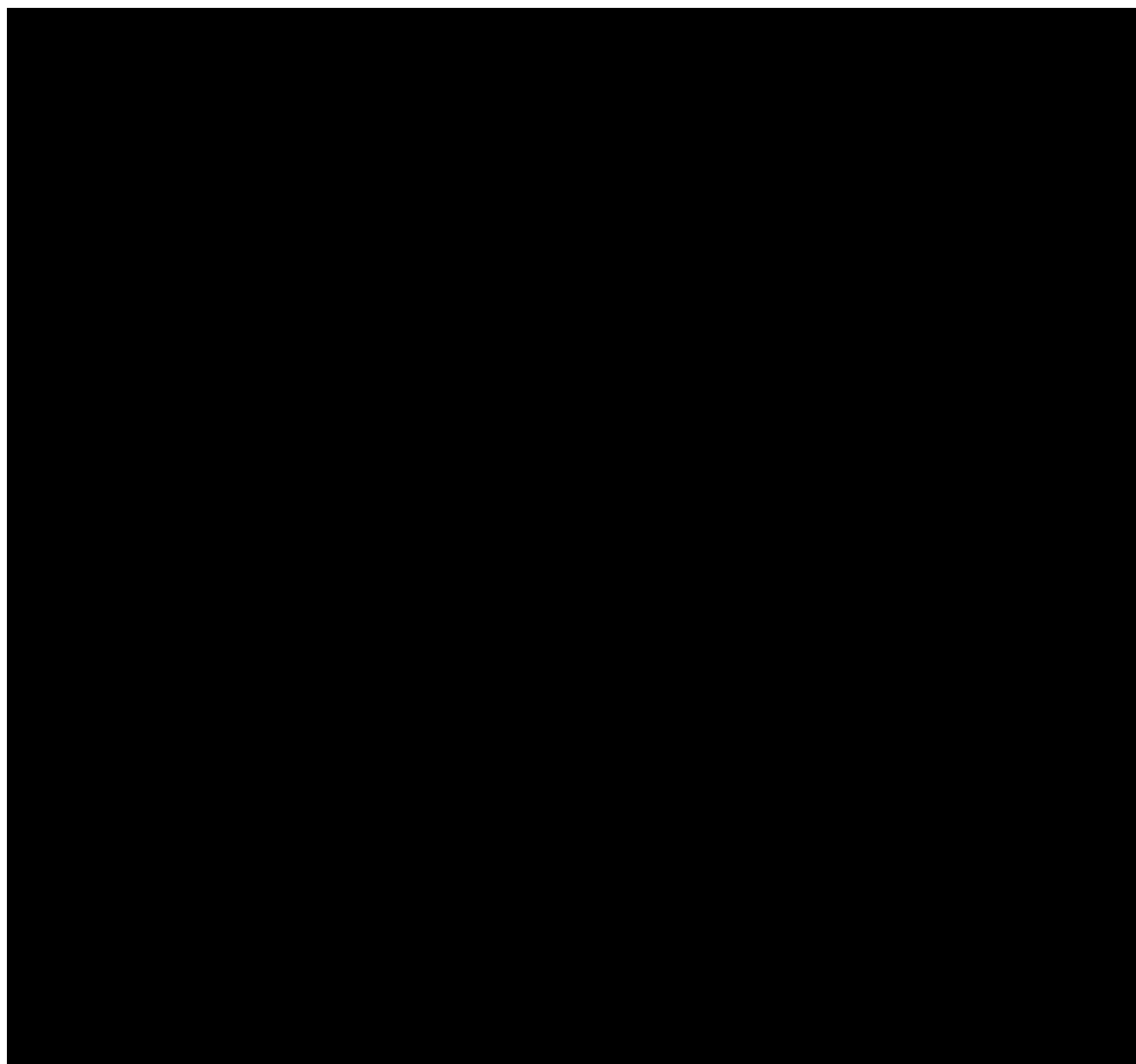
4 BY MR. BAKER:

5 Q. Was that when you started to
6 get involved with the suspicious order
7 monitoring policy and procedure drafts?

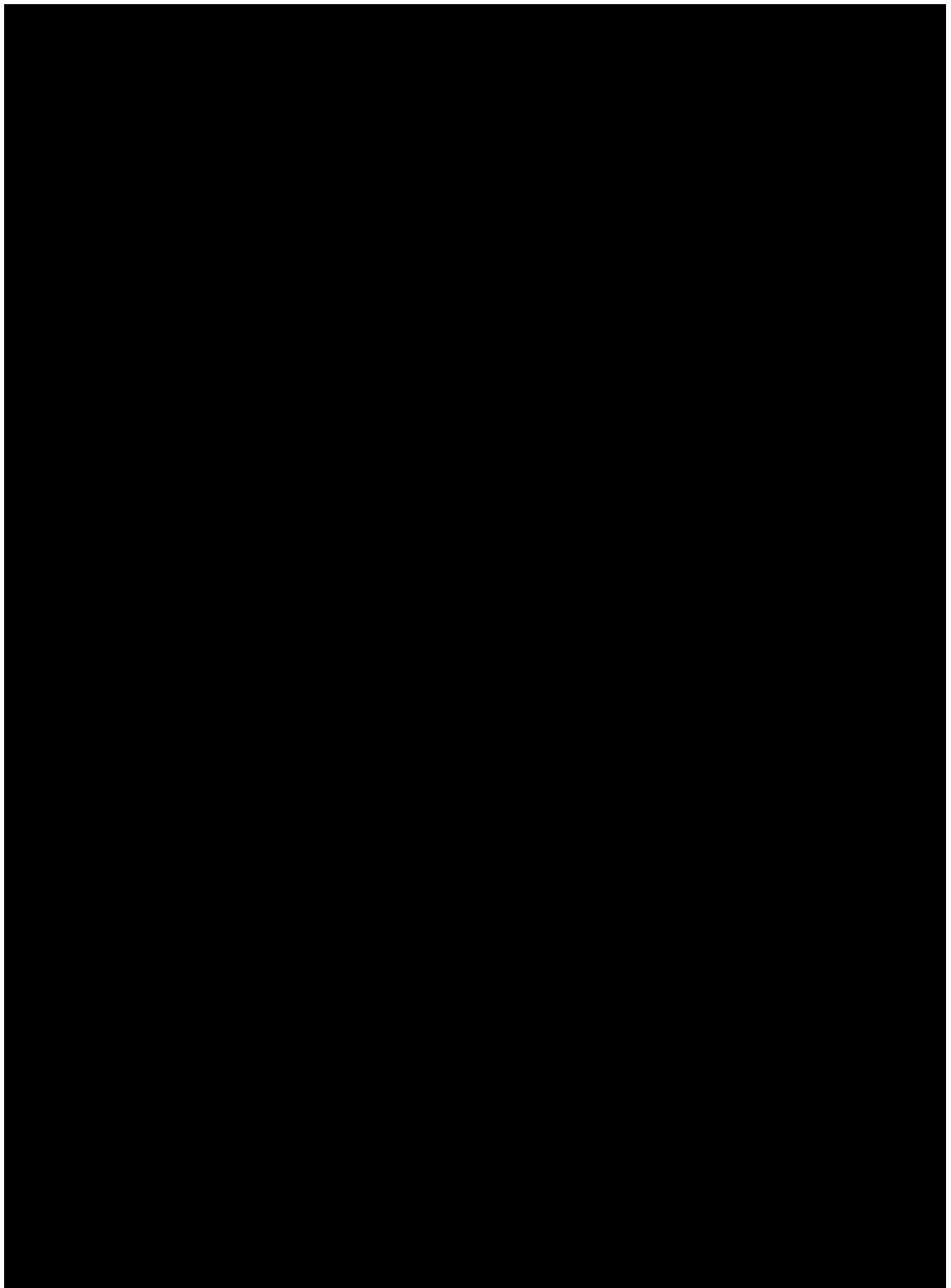
8 MS. MILLER: Objection.

9 THE WITNESS: I would have
10 been involved in that.

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21 BY MR. BAKER:

22 Q. Okay. During the time that
23 you were involved in loss prevention at
24 CVS, what sort of losses were you trying

1 to prevent?

2 MS. MILLER: Objection.

3 THE WITNESS: So job
4 responsibilities or?

5 BY MR. BAKER:

6 Q. What were you trying to
7 prevent the loss of?

8 A. The position was to protect
9 the, you know, people, assets --

10 Q. At the time --

11 A. -- of the company.

12 MS. MILLER: If you can just
13 let him finish. Thank you.

14 BY MR. BAKER:

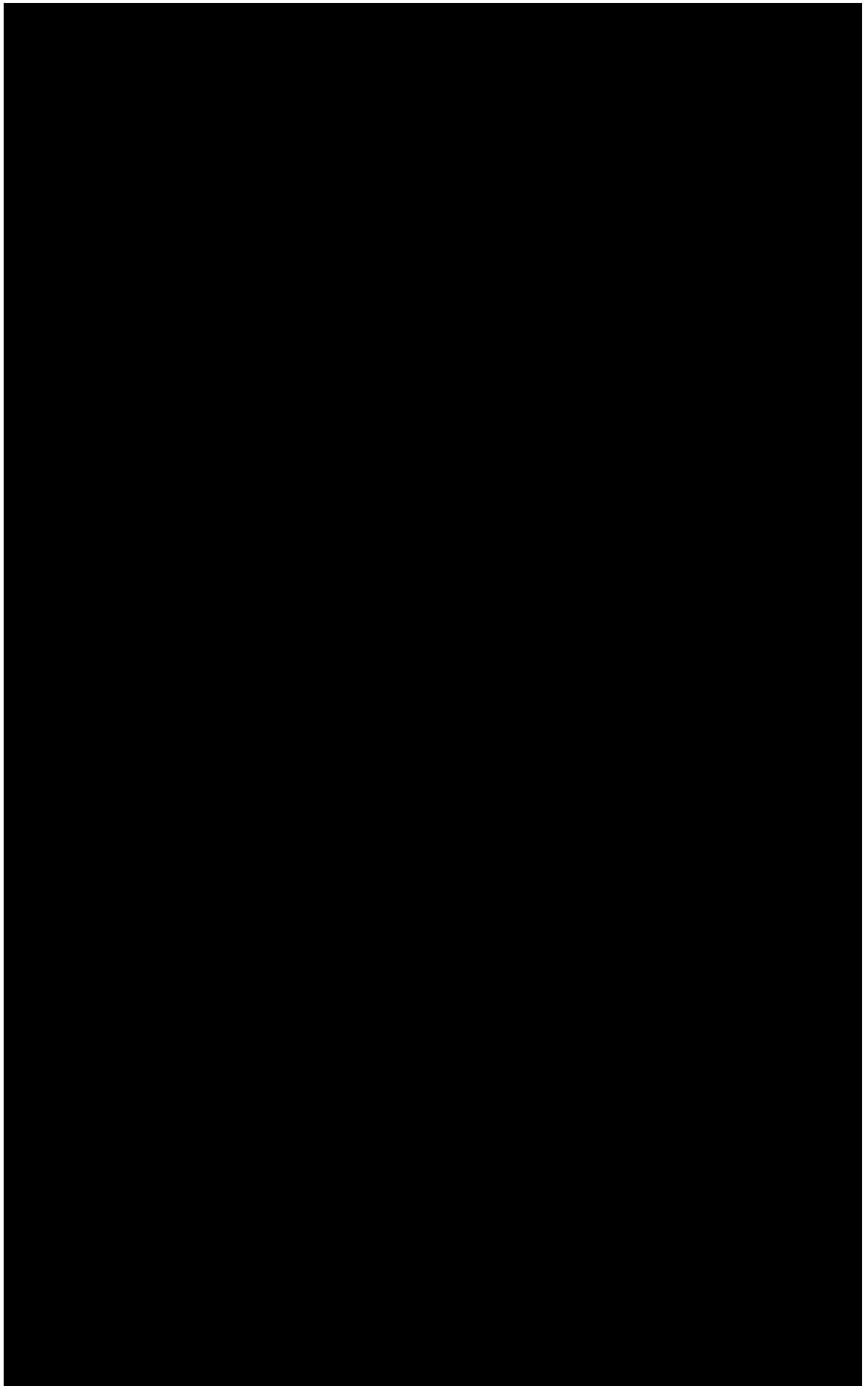
15 Q. As it relates to the
16 distribution of narcotics out of the
17 distribution centers, what was your
18 involvement with the suspicious order
19 monitoring process in relation to those
20 narcotics?

21 MS. MILLER: Objection.

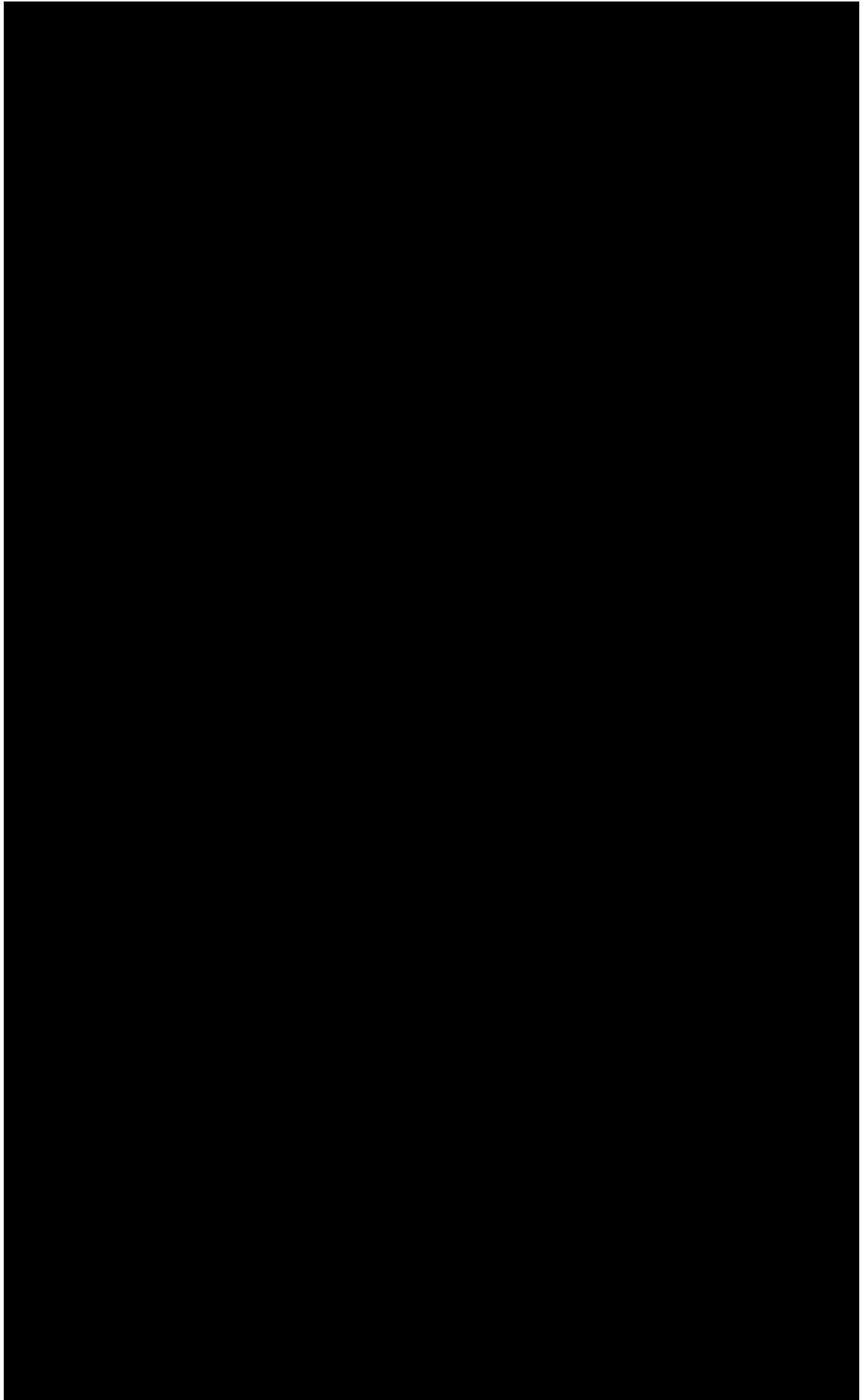
22 THE WITNESS: I'm not sure I
23 understand your question.

24 BY MR. BAKER:

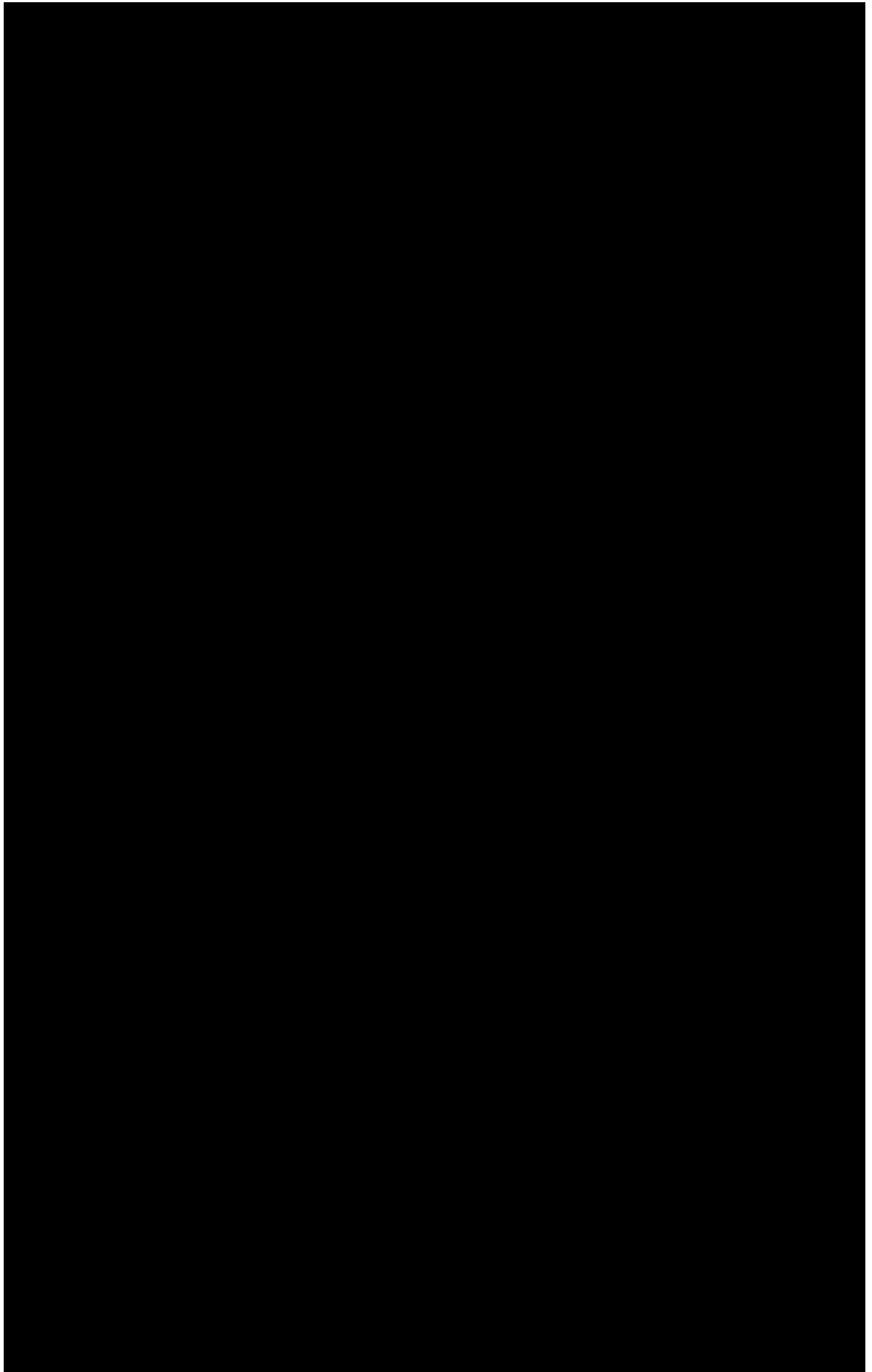
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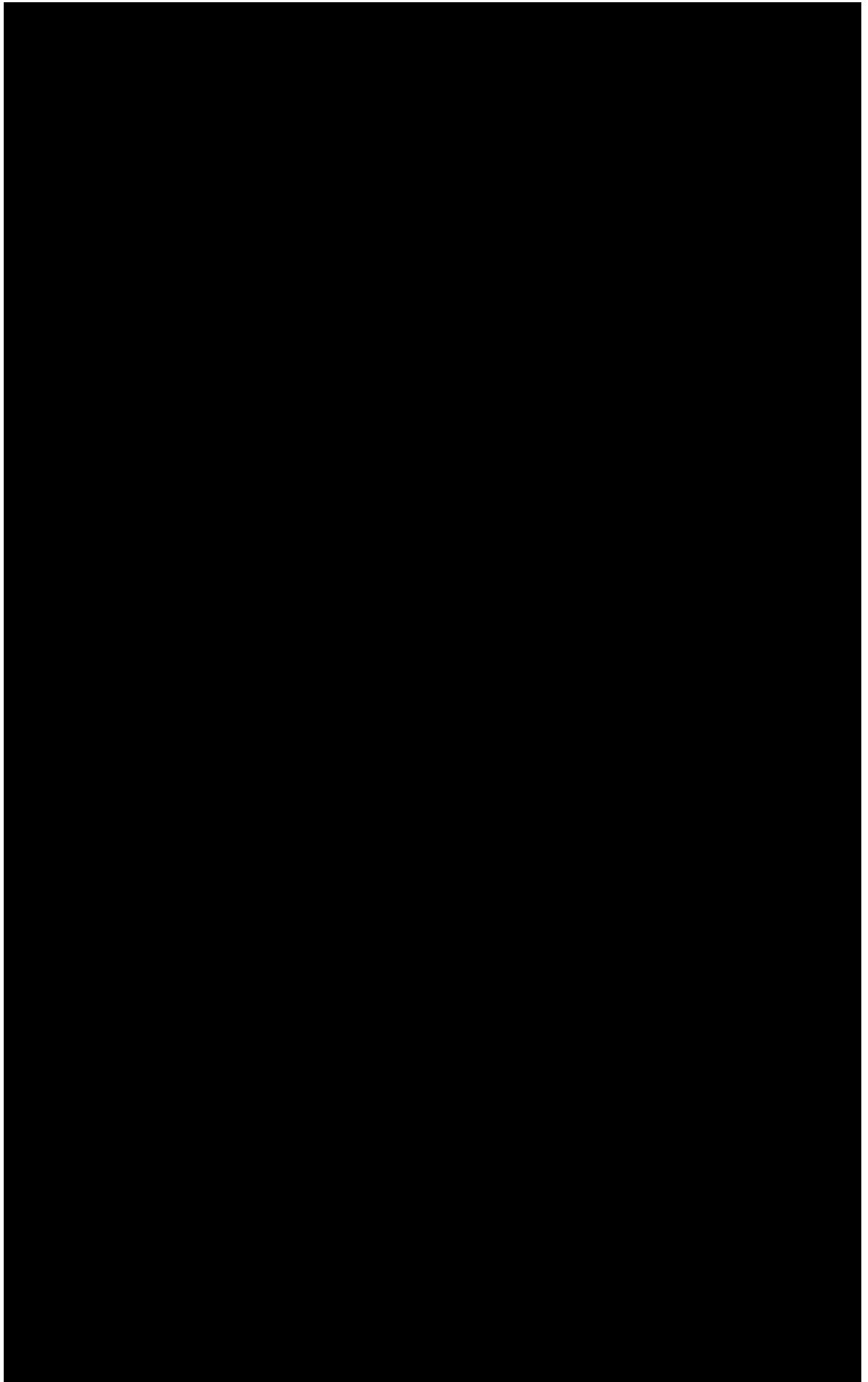
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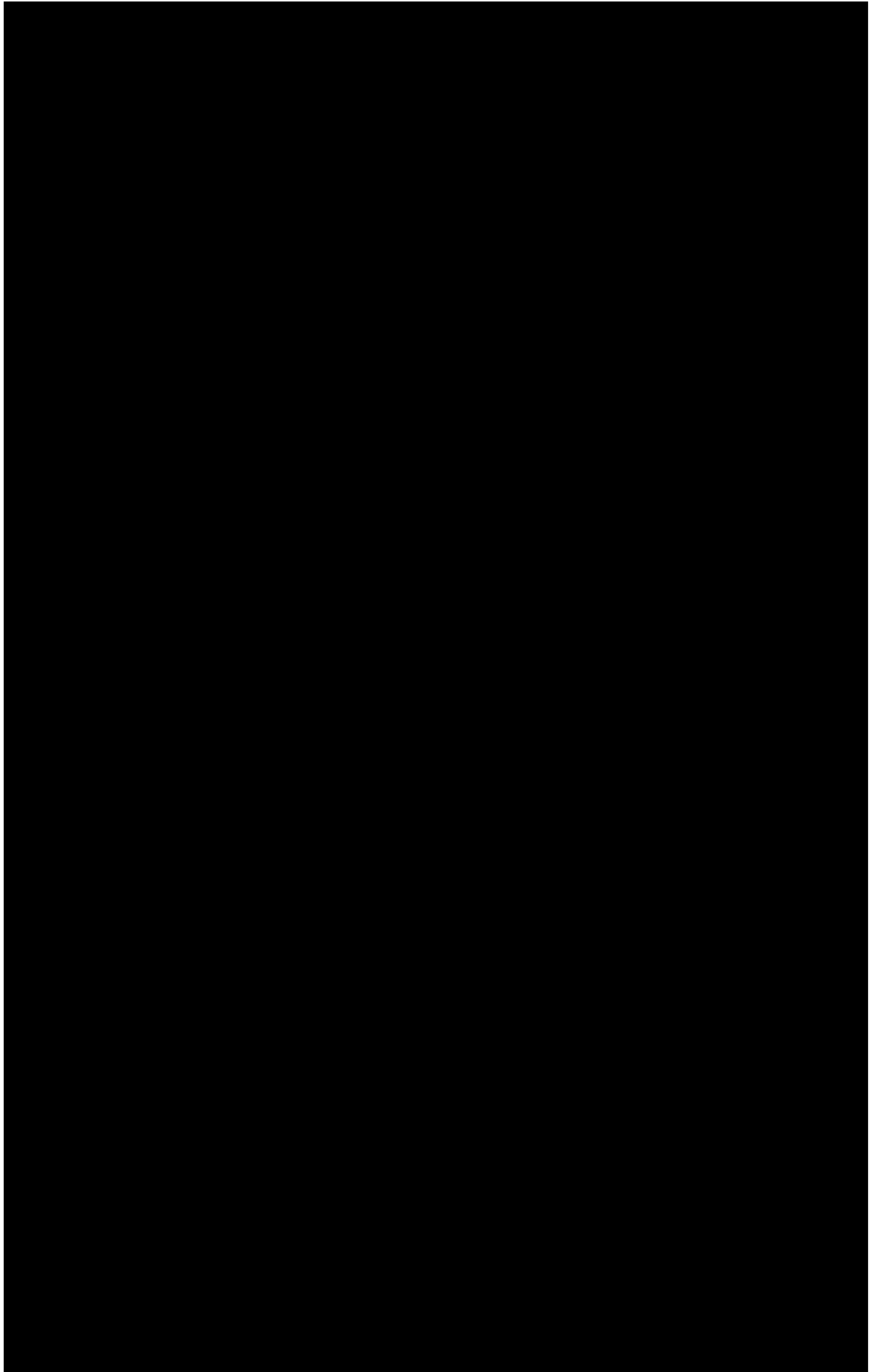
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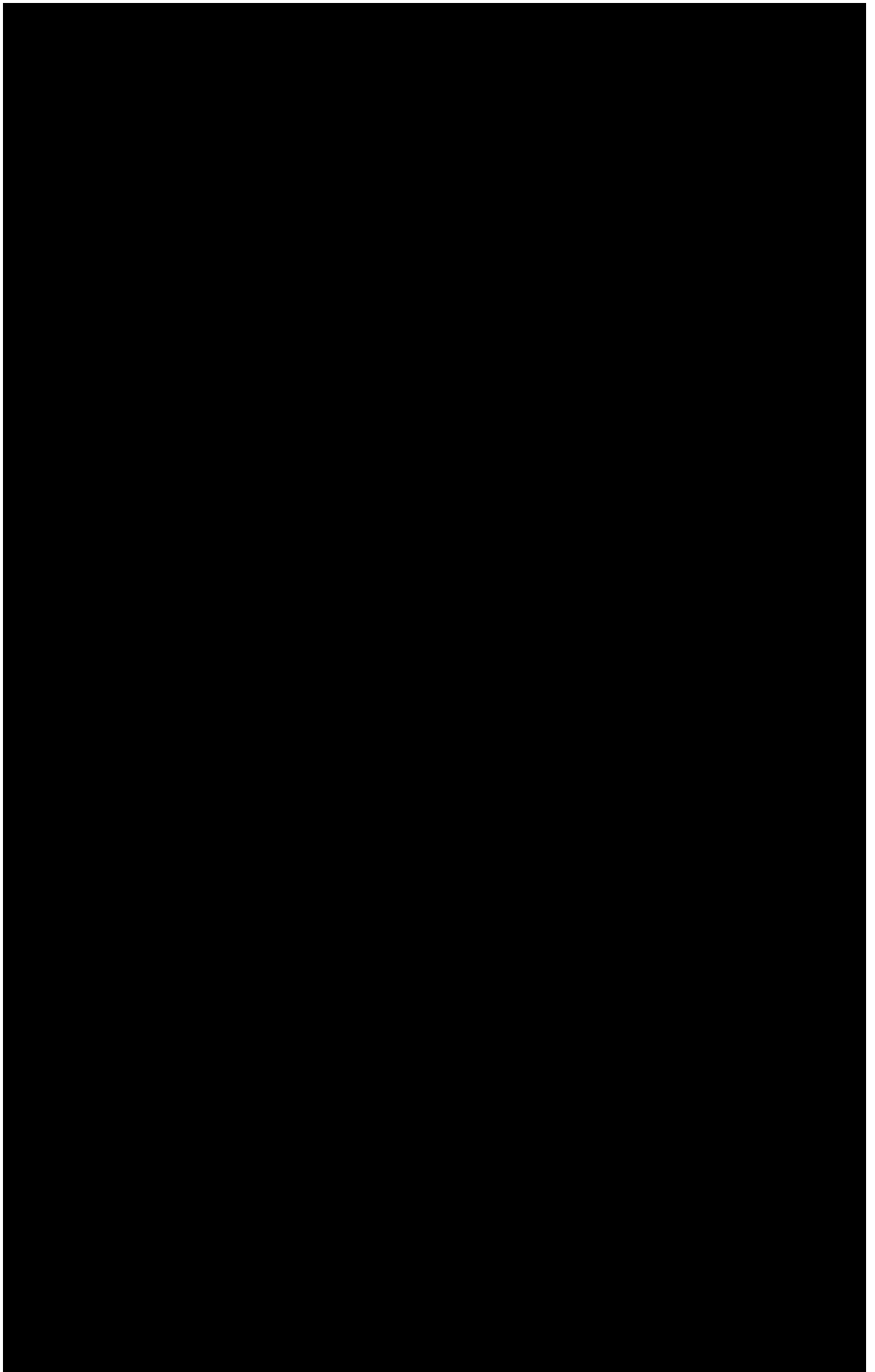
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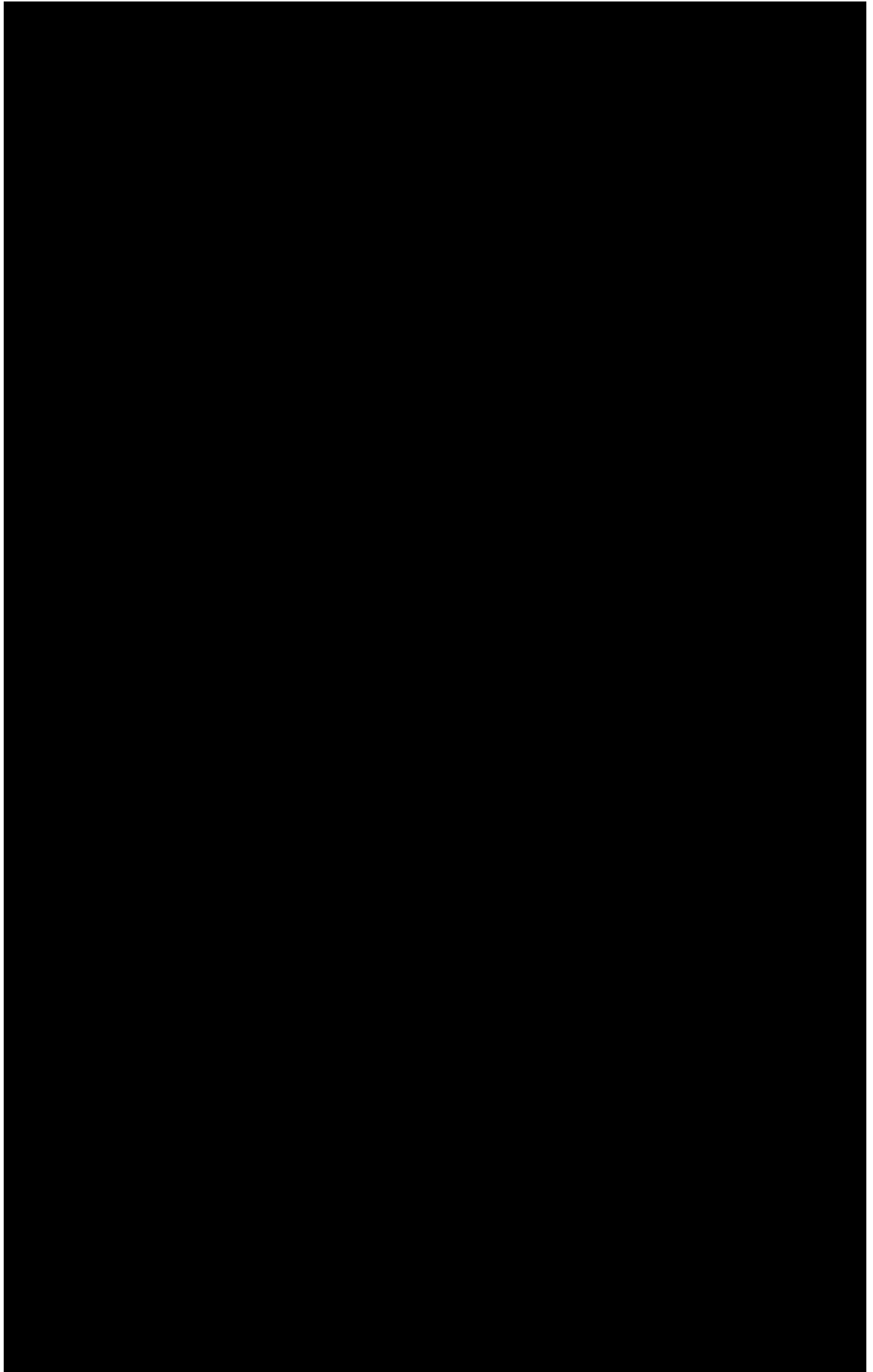
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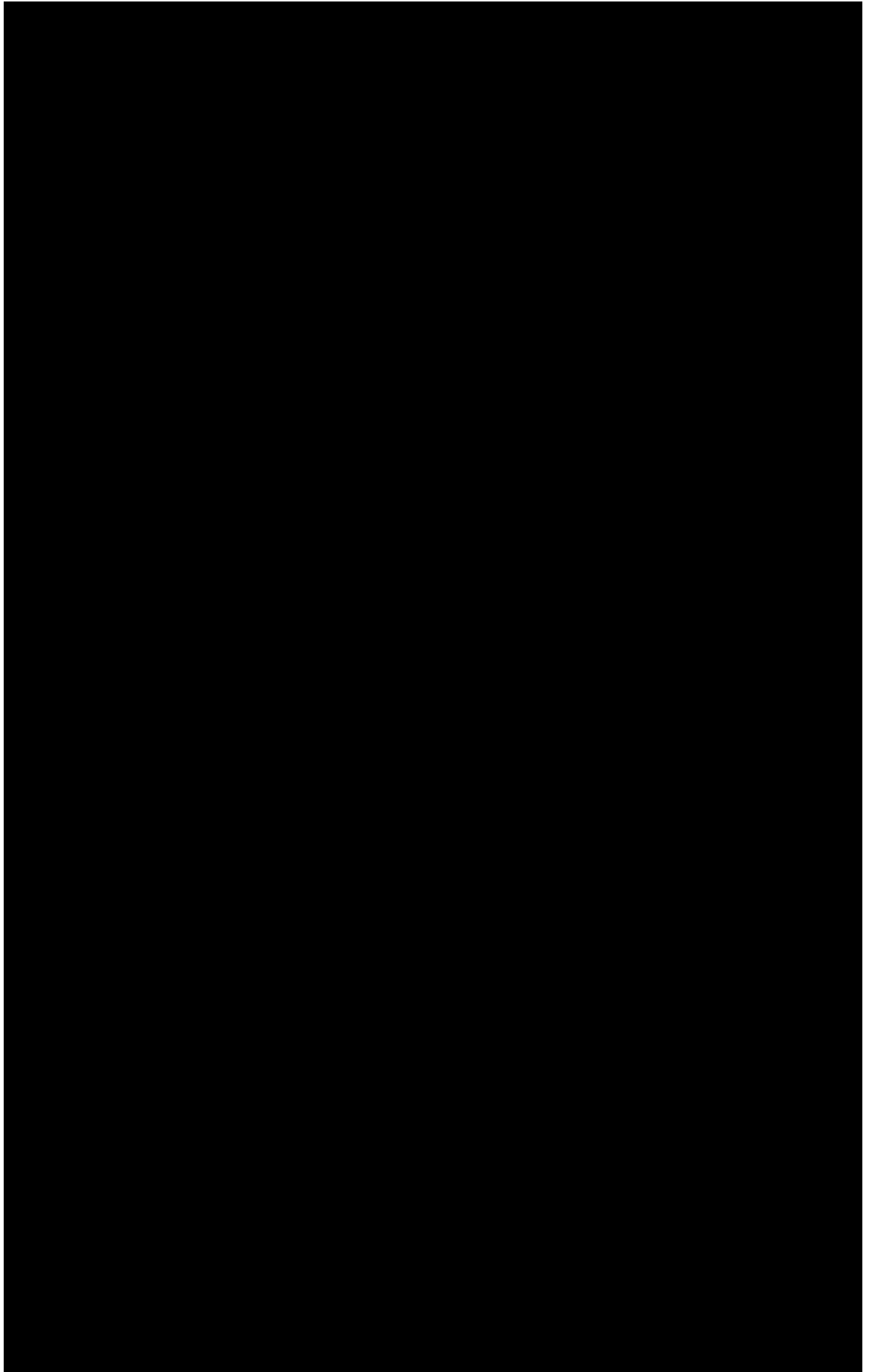
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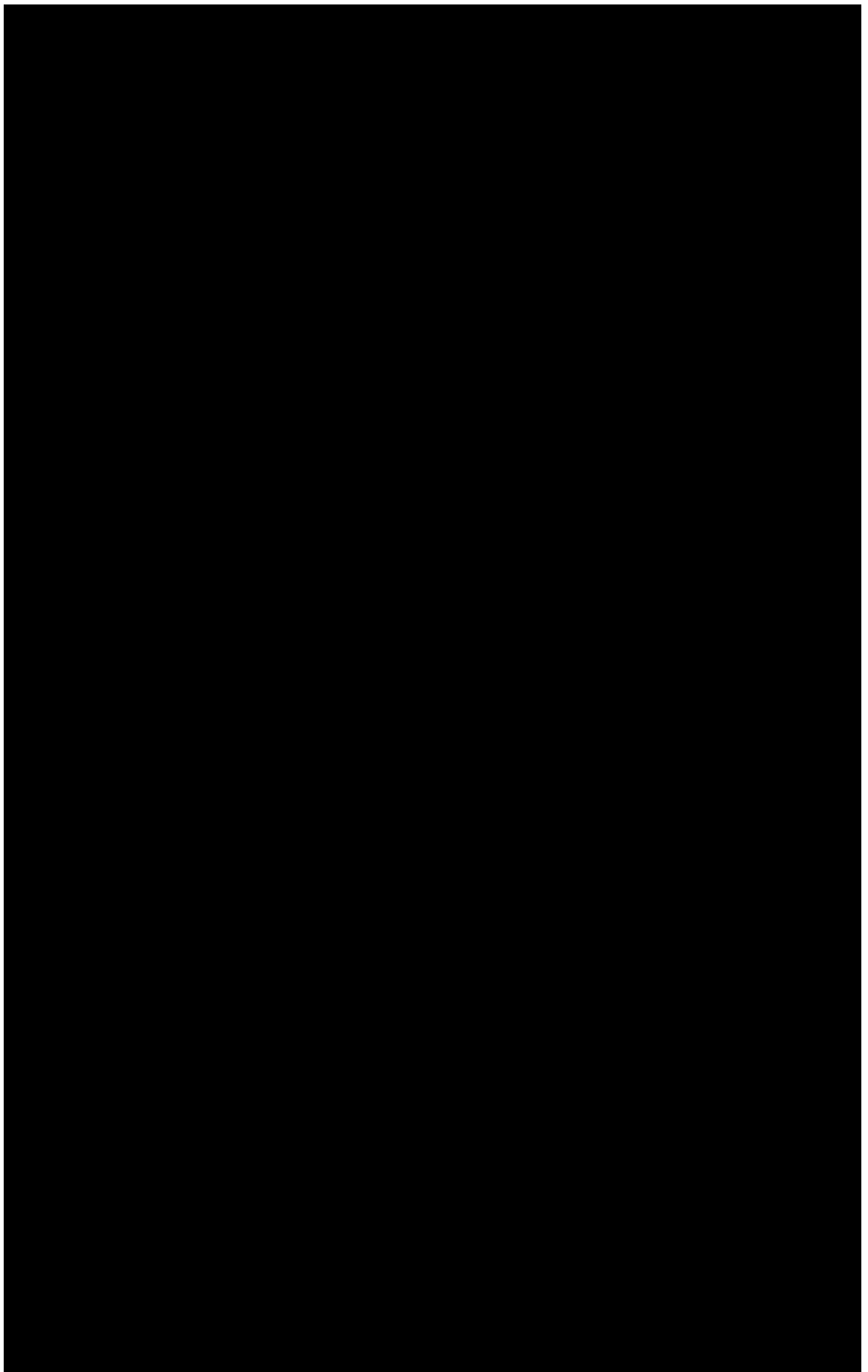
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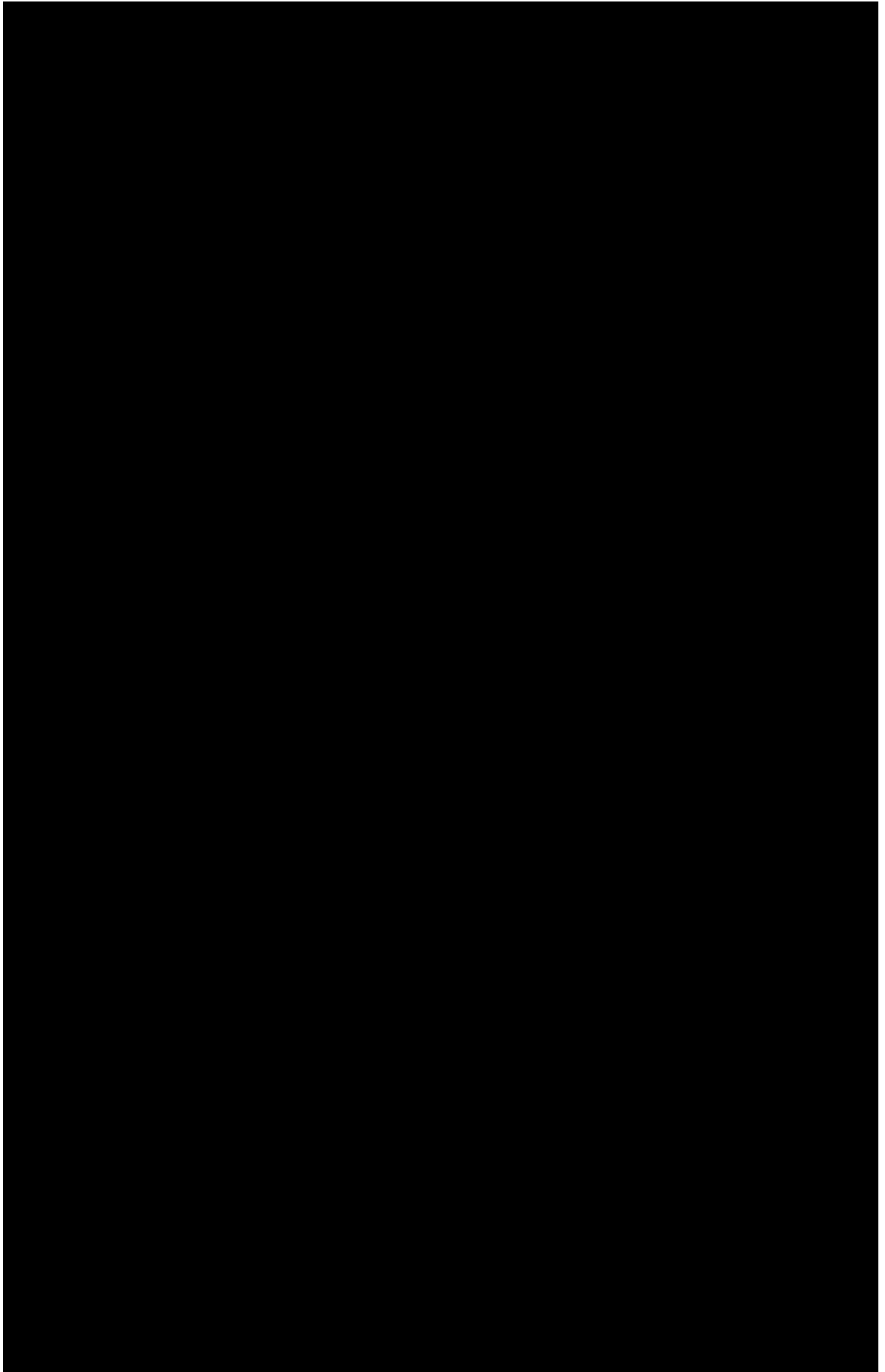
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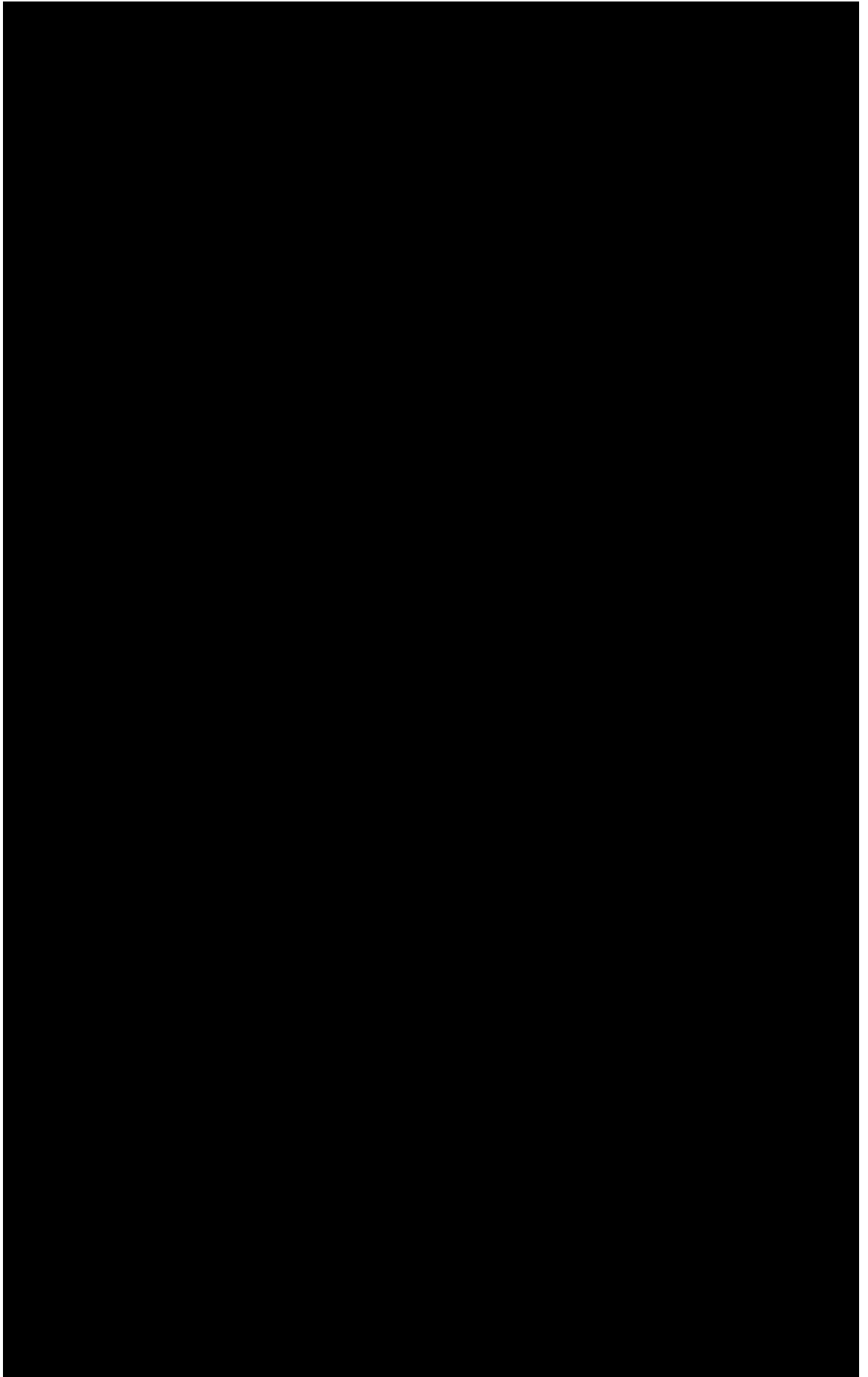
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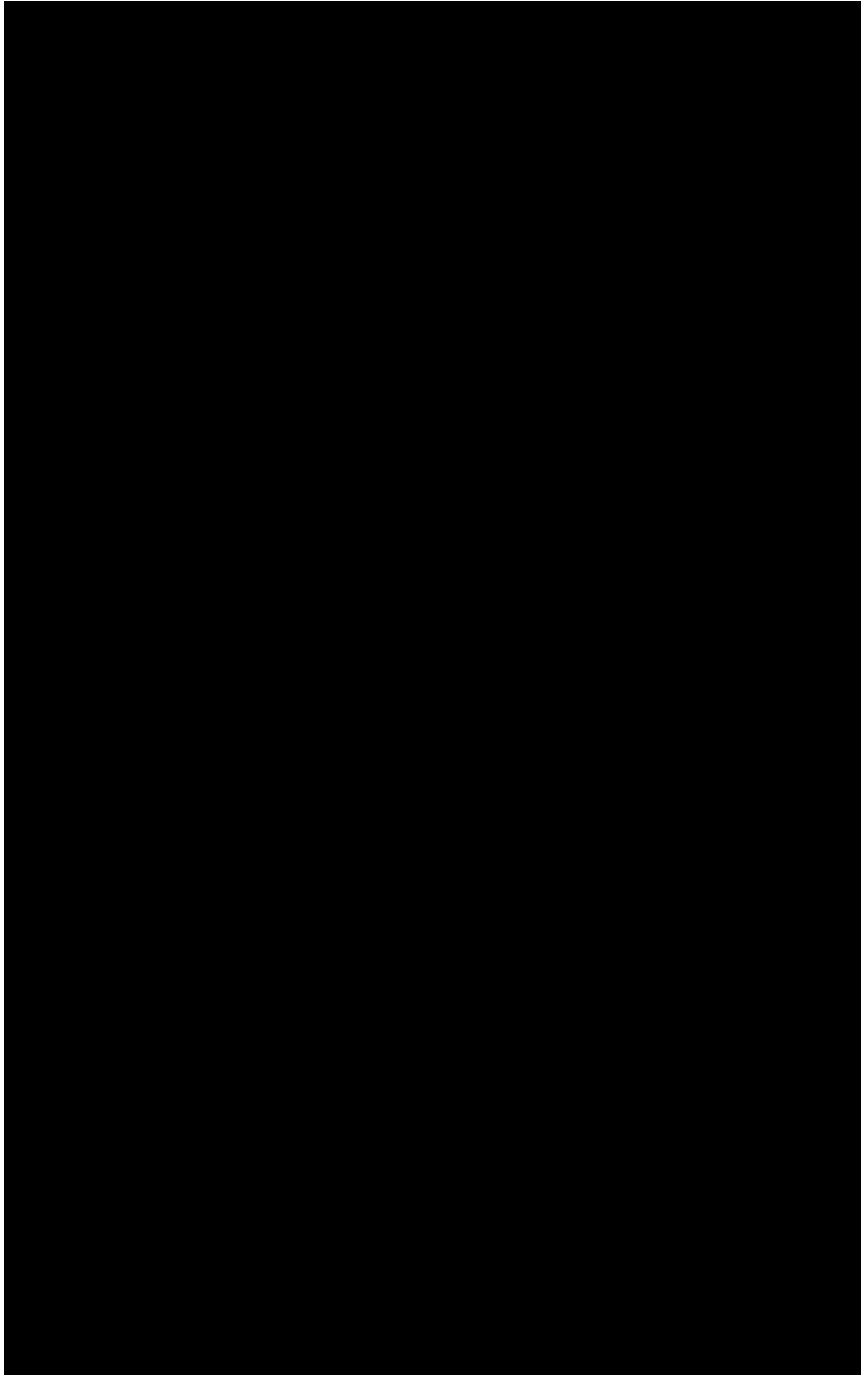
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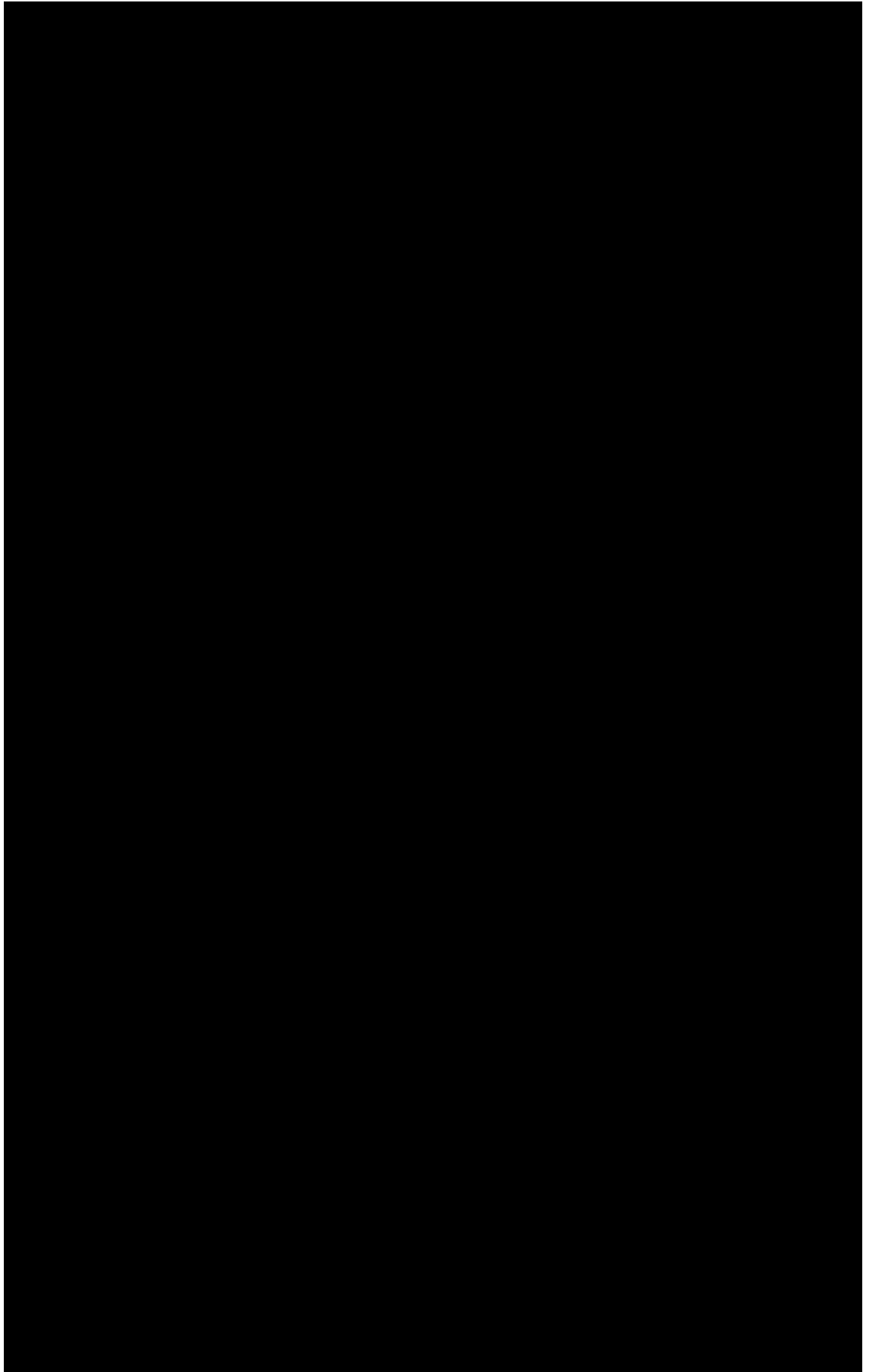
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MS. MILLER: Objection.

3

MR. BAKER: Pull up

4

Exhibit 64 please.

5

(Document marked for

6

identification as Exhibit

7

CVS-Devlin-P-64.)

8

BY MR. BAKER:

9

Q. I'd like you to pull up

10

hydrocodone, which is the second page.

11

A. Would I be able to take a

12

break?

13

Q. Do you need to go to the

14

bathroom?

15

A. I do.

16

MR. BAKER: Okay. Sure. Go

17

ahead.

18

MS. MILLER: Go off the

19

record.

20

THE VIDEOGRAPHER: Going off

21

the record. The time is 9:20.

22

(Short break.)

23

THE VIDEOGRAPHER: We are

24

going back on record. Beginning

1 of Media File Number 2. The time
2 is 9:30.

3 BY MR. BAKER:

4 Q. You have in front of you the
5 DEA drug fact sheet.

6 Do you see that?

7 A. Yes, sir.

8 Q. Okay. It lists hydrocodone.
9 It says, "Hydrocodone is the most
10 frequently prescribed opioid in the
11 United States."

12 Do you see that?

13 A. No.

14 MS. MILLER: Bill, can you
15 direct him to a page?

16 BY MR. BAKER:

17 Q. Okay. Go to the second page
18 of your DEA drug fact sheet. If you look
19 on the monitor, it's right in front of
20 you.

21 Do you see it?

22 A. It's easier for me to look
23 at the paper.

24 Q. Do you see where it says

1 "hydrocodone" at the top?

2 A. Yes.

3 Q. Okay. Do you see where it
4 says, "Hydrocodone is the most frequently
5 prescribed opioid in the United States
6 and is associated with more drug abuse
7 and diversion than any other illicit
8 (sic) or illicit opioid."

9 Do you see that?

10 A. Yes.

11 Q. Okay. Did you know this
12 before it was read to you today by
13 looking at this DEA drug fact sheet?

14 MS. MILLER: Objection.

15 BY MR. BAKER:

16 Q. Did you know this?

17 MS. MILLER: Objection.

18 THE WITNESS: Hydrocodone,
19 per se, I'm not sure.

20 BY MR. BAKER:

21 Q. Okay. Did the distribution
22 centers over which you were the logistics
23 director -- director of logistics and
24 loss prevention, distribute hydrocodone

1 combination products?

2 A. I believe so.

3 Q. Okay. Do you know those to
4 be opioids?

5 MS. MILLER: Objection.

6 THE WITNESS: Not at the
7 time.

8 BY MR. BAKER:

9 Q. Okay. Do you know it now?

10 A. Now?

11 Q. Do you know that now?

12 A. After reading, seeing this,
13 yes.

14 Q. Okay. Have you ever heard
15 of the opioid crisis?

16 A. I have recently heard of it,
17 yes.

18 Q. Did you know about it to be
19 in existence which you were employed at
20 CVS?

21 MS. MILLER: Objection.

22 THE WITNESS: No.

23 BY MR. BAKER:

24 Q. That was never discussed

1 with anybody at CVS, the opioid crisis or
2 the nature of the opioid crisis going on
3 from 2005 to 2012 when you were in loss
4 prevention logistics?

5 MS. MILLER: Objection.

6 BY MR. BAKER:

7 Q. That was never discussed?

8 MS. MILLER: Objection.

9 THE WITNESS: No, not that I
10 can recall.

11 BY MR. BAKER:

12 Q. Did you ever attend any DEA
13 meetings of any type, any DEA conferences
14 of any type?

15 A. Not that I can recall.

16 Q. Did you ever attend any
17 training on the opioid crisis while you
18 were at CVS in logistics and loss
19 prevention?

20 A. No, not that I recall.

21 MR. BAKER: Okay. Go to
22 Exhibit Number 58.

23 MS. MILLER: I don't think
24 we have Exhibit 58.

1 MR. BAKER: Don't have 58?
2 Go to exhibit 102.

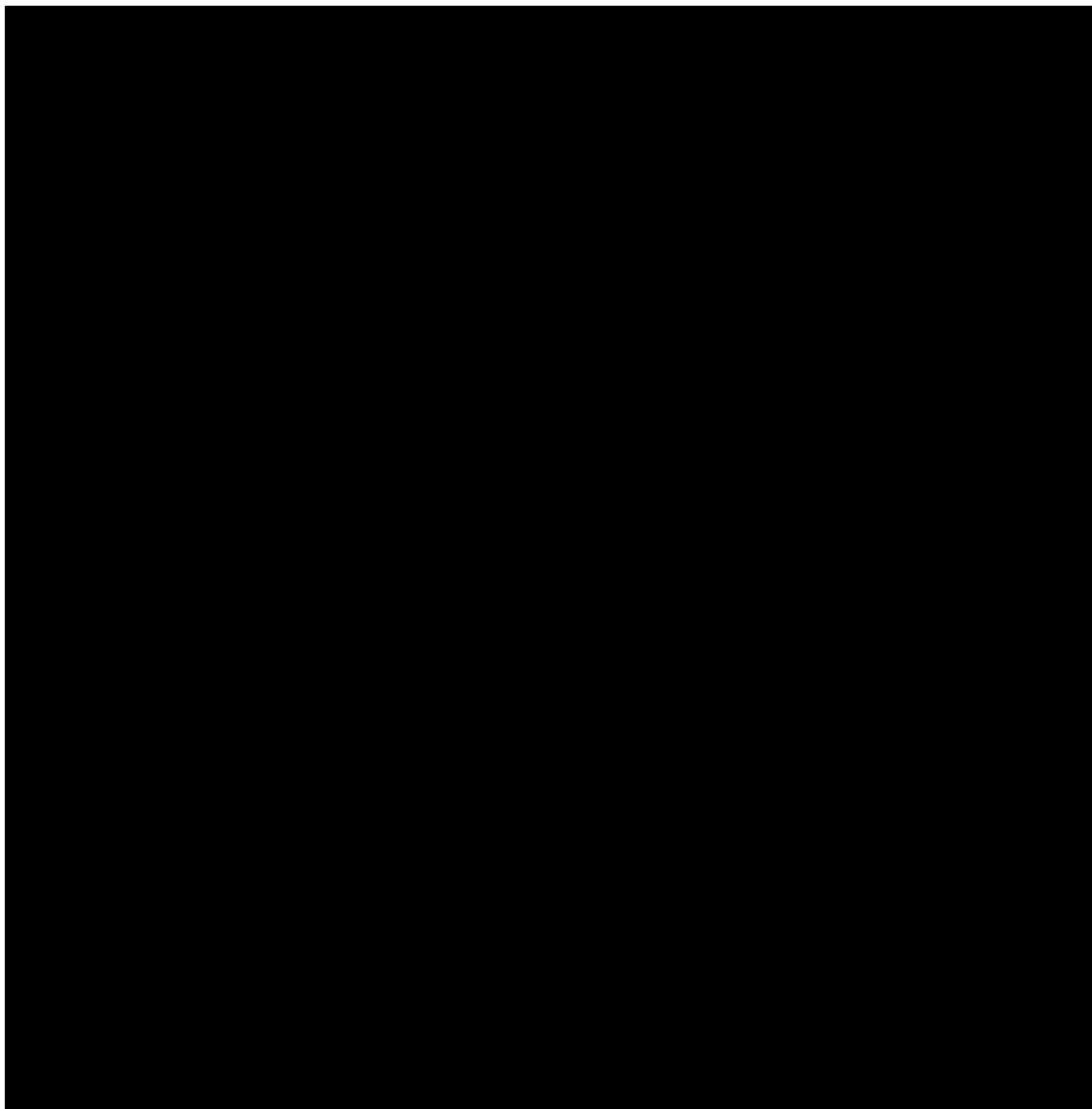
3 MS. MILLER: Is that a new
4 exhibit, Bill?

5 MR. BAKER: Yeah, Exhibit
6 102.

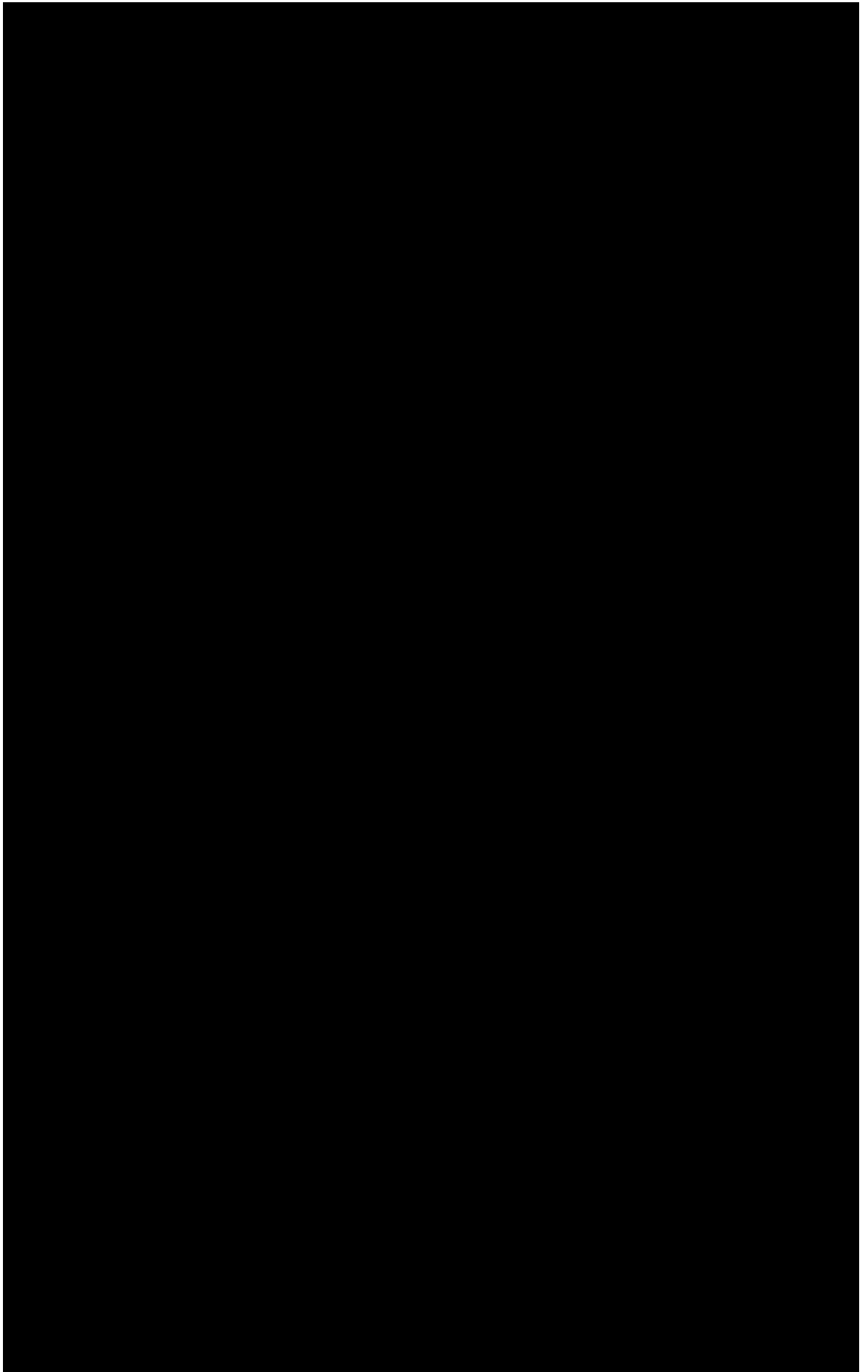
7 MS. MILLER: Is that a new
8 one?

9 MR. BAKER: Yes.

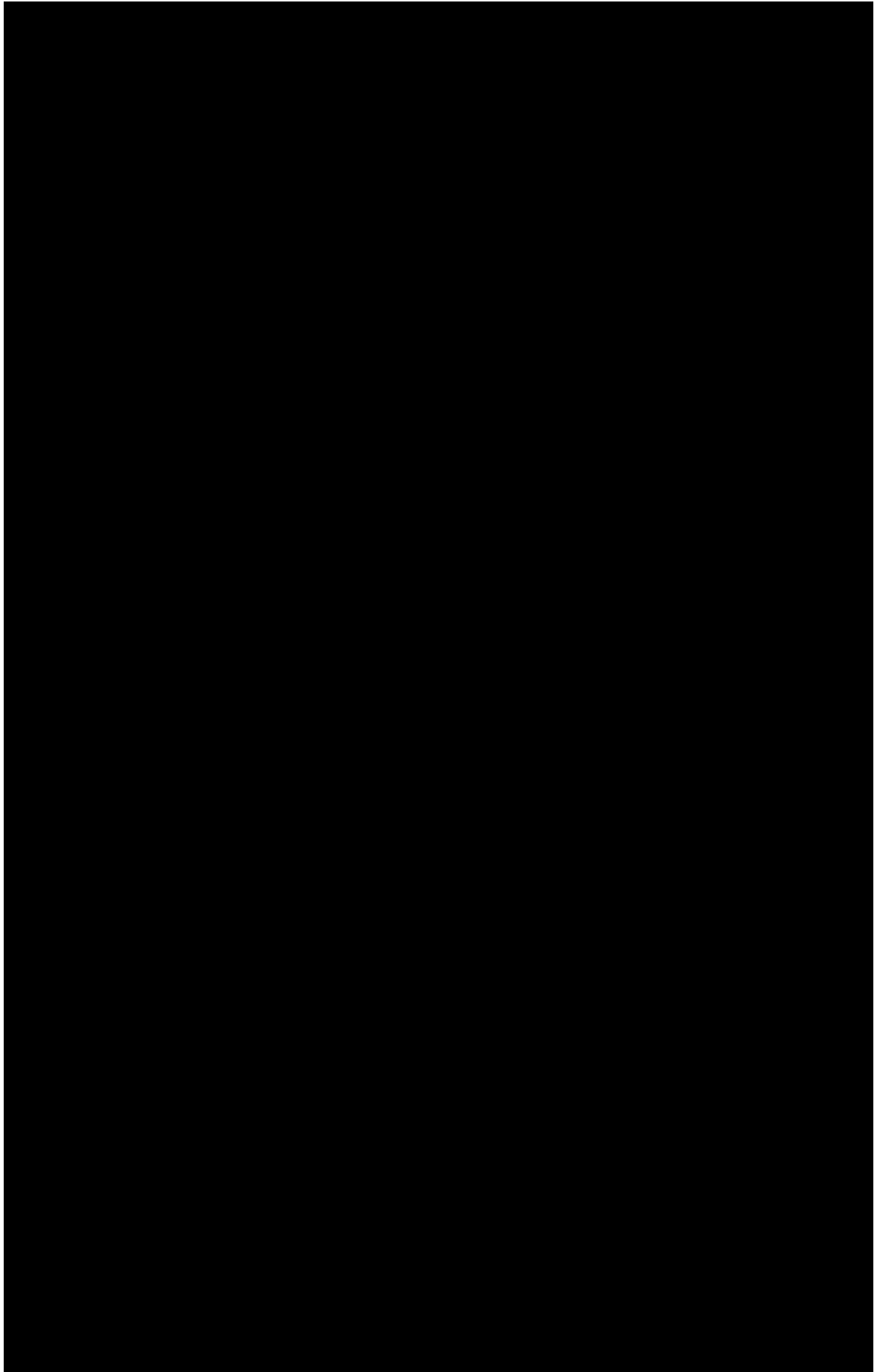
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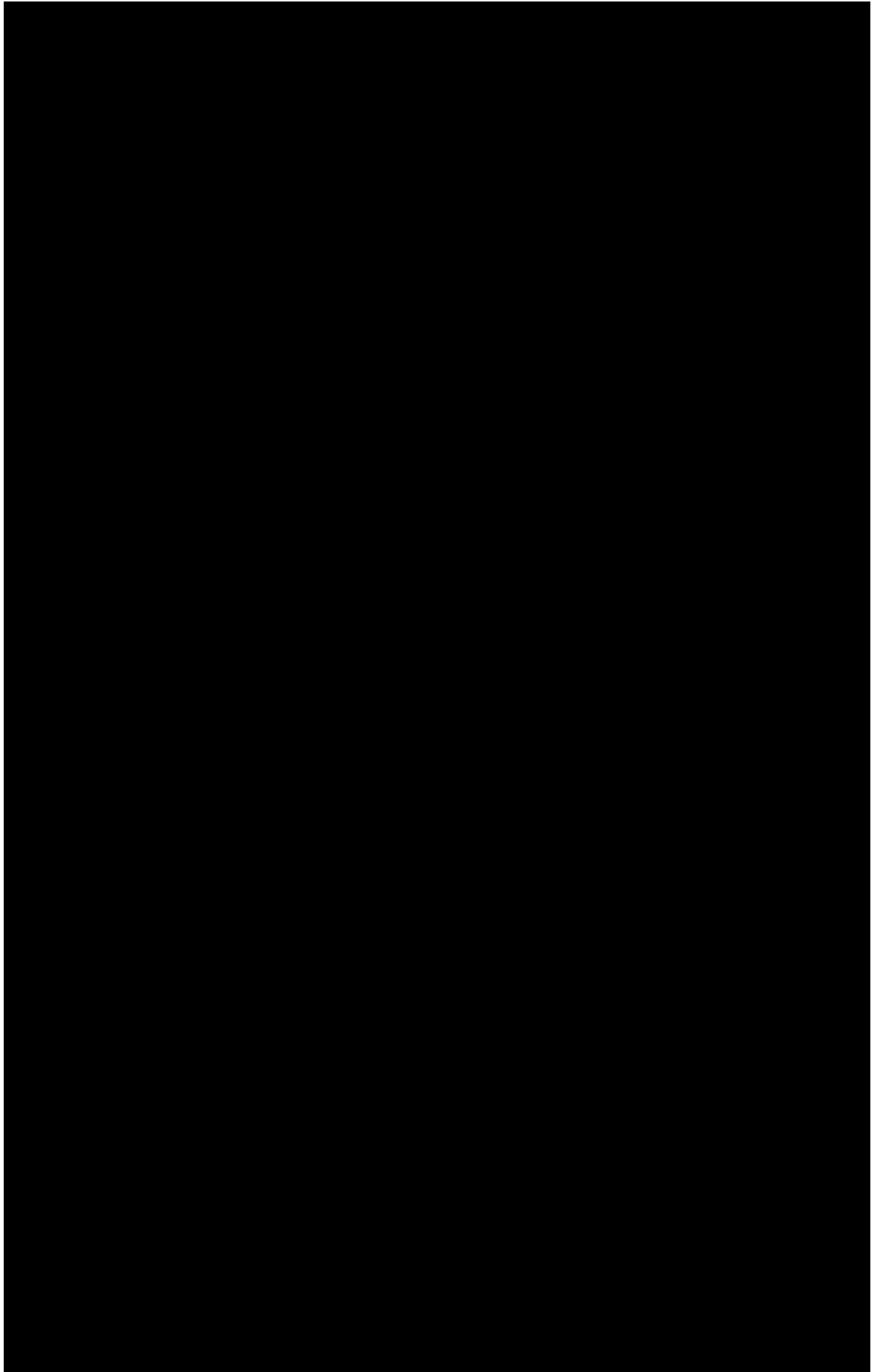
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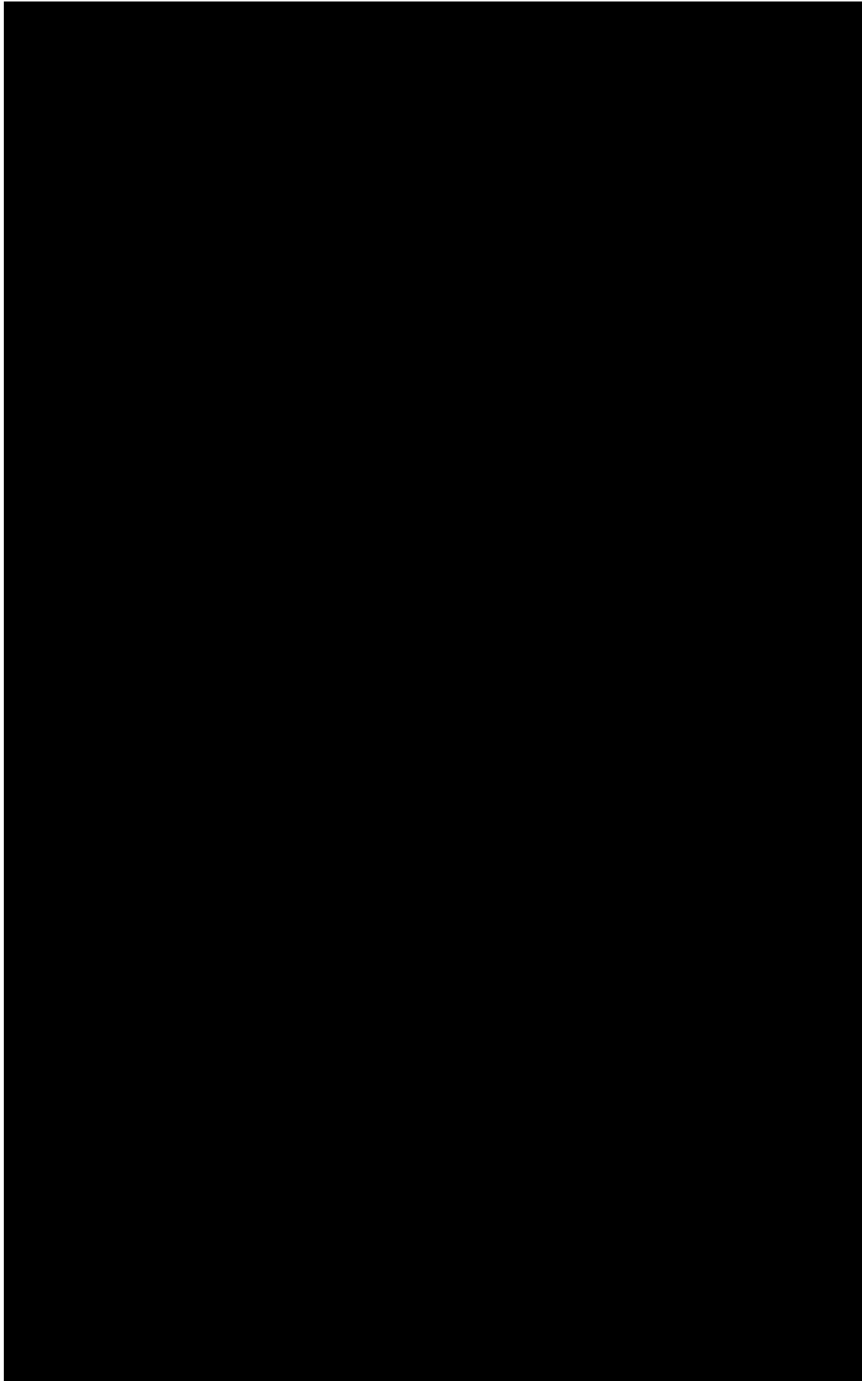
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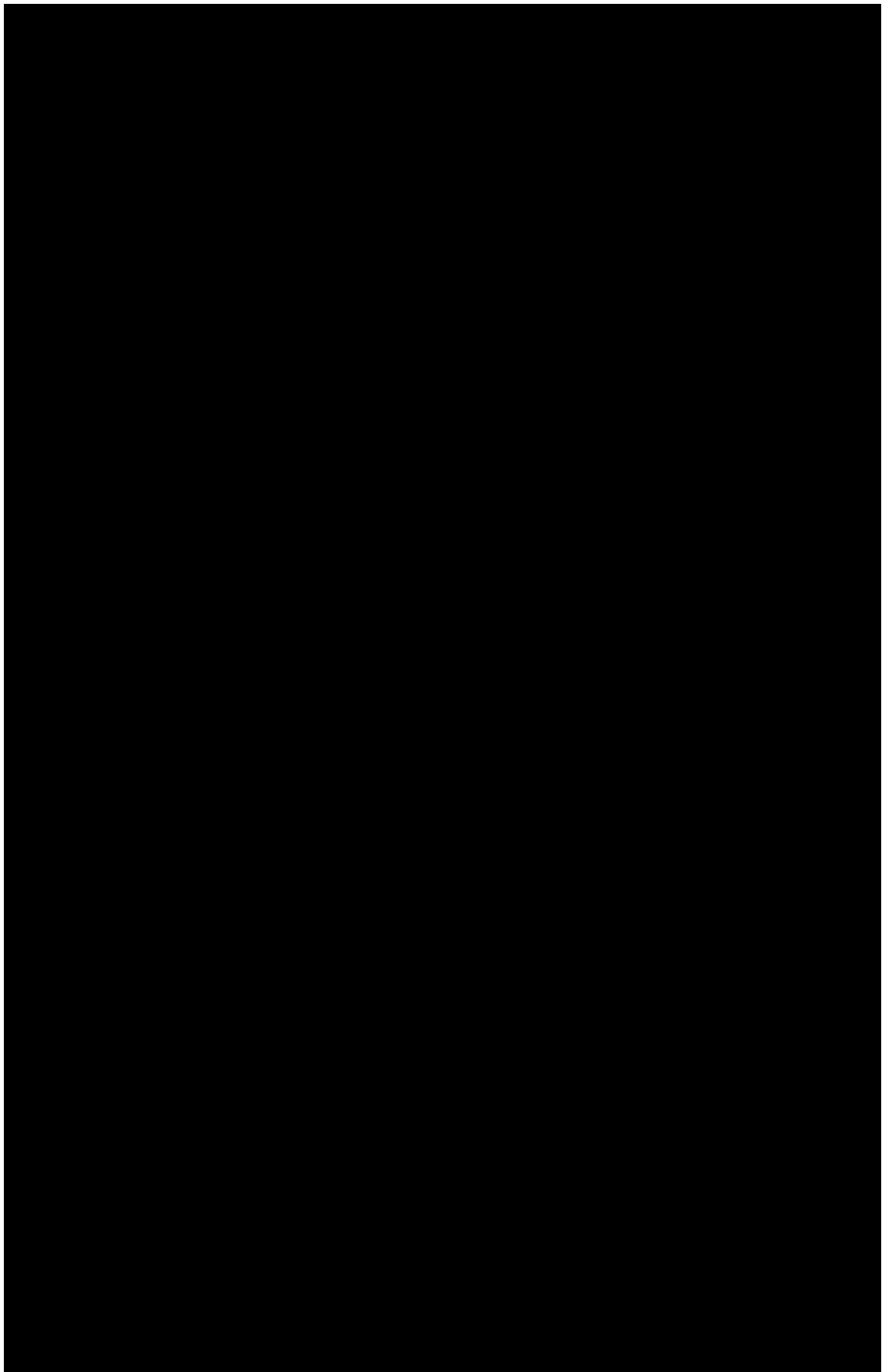
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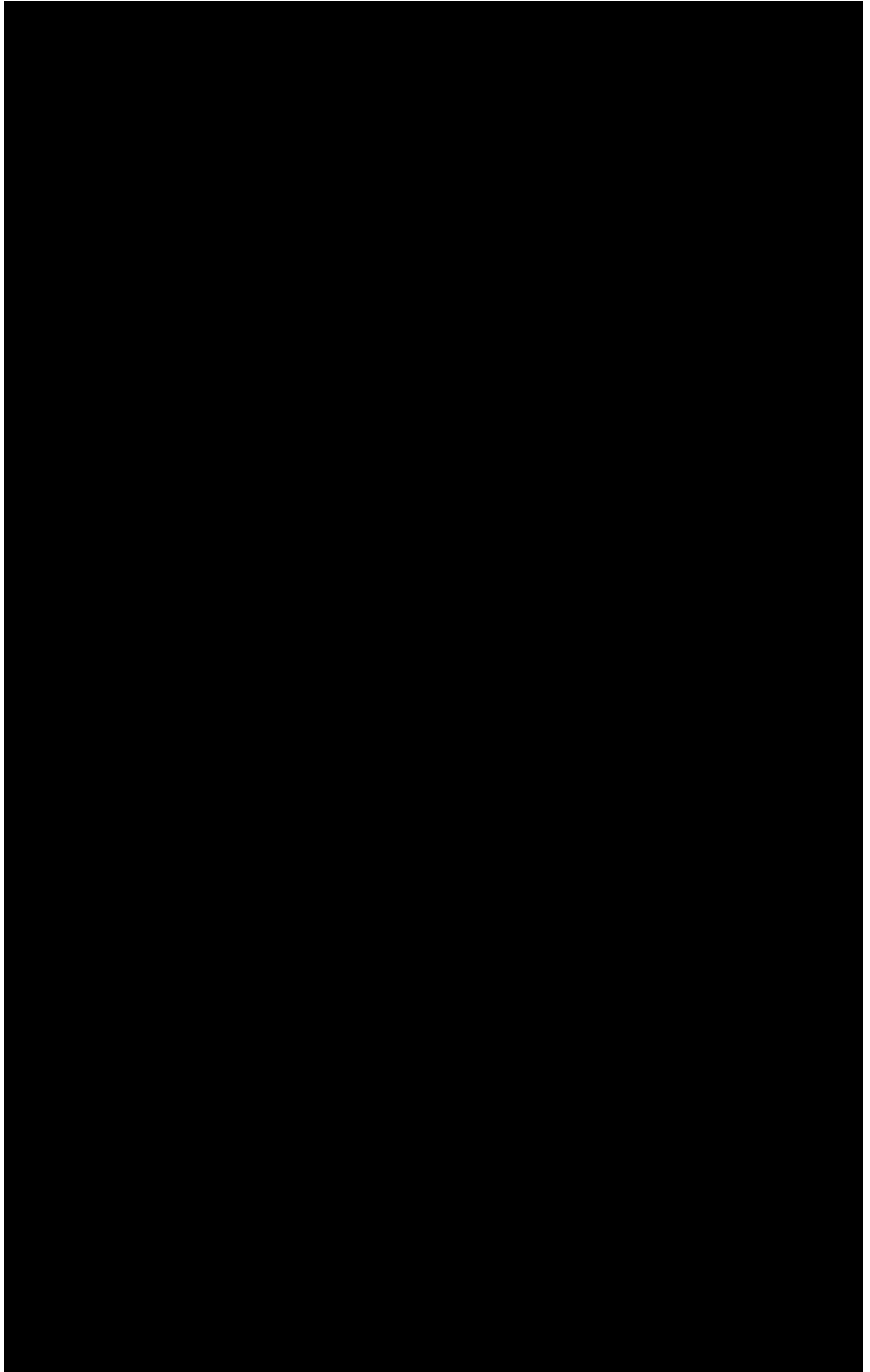
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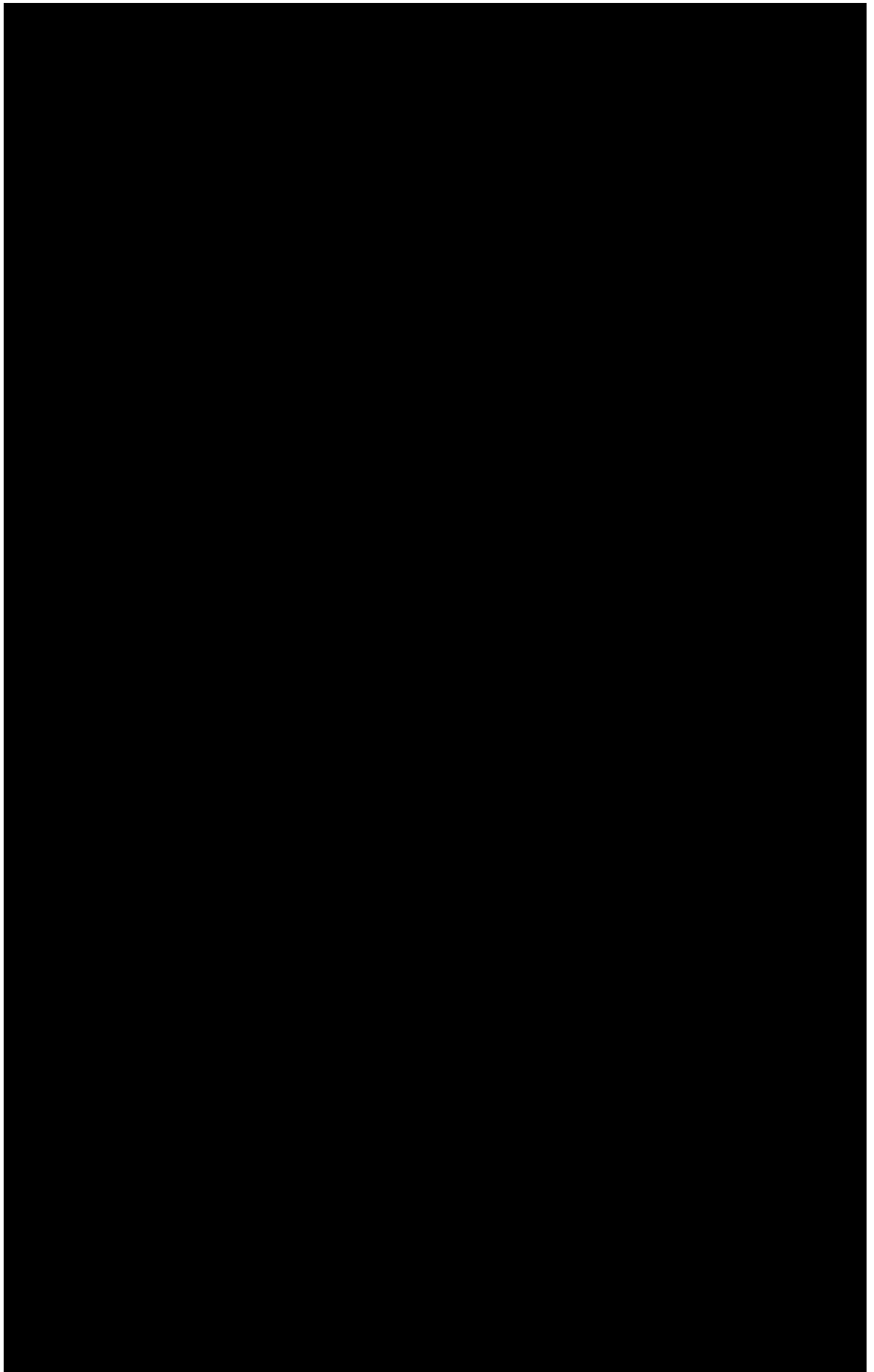
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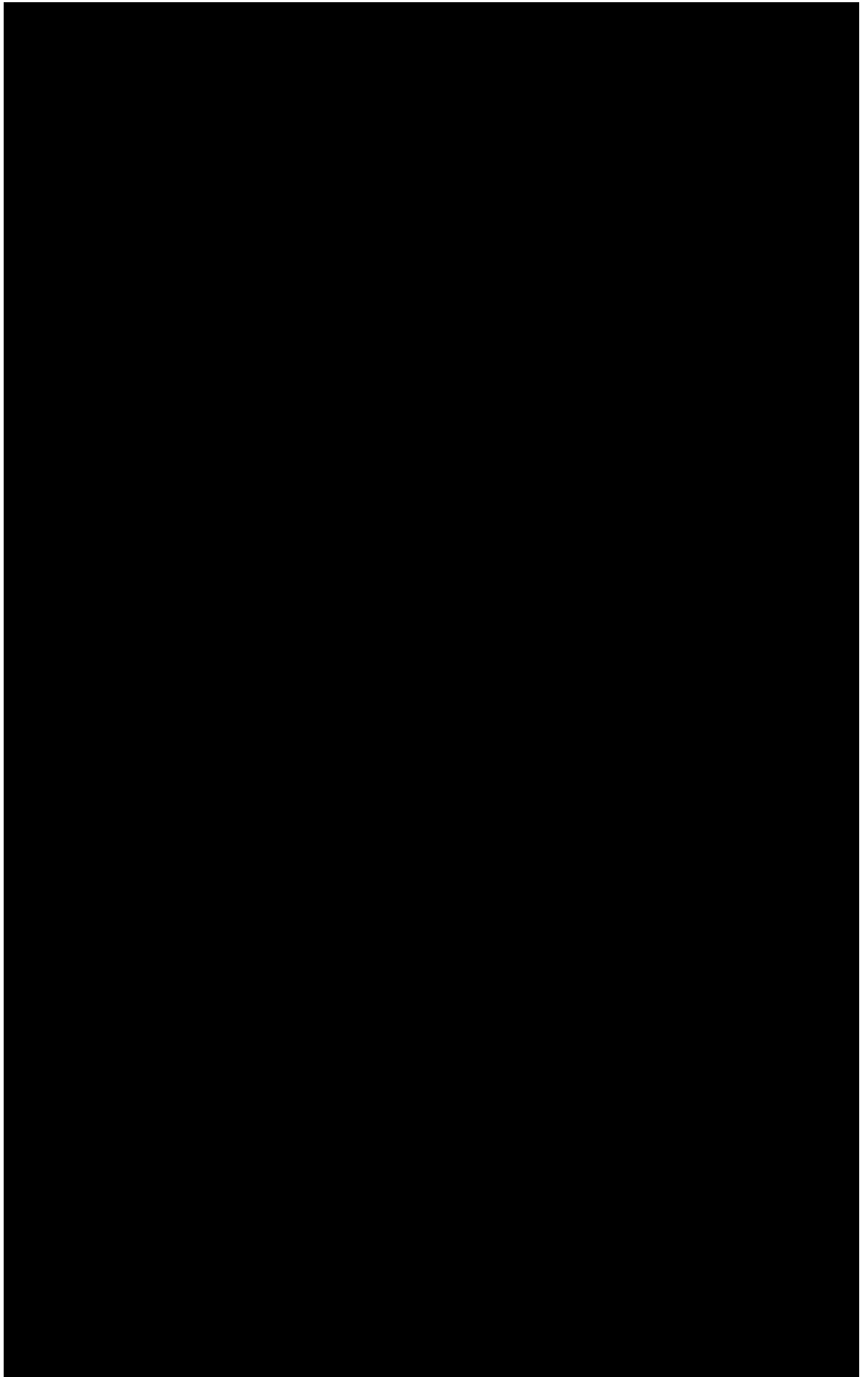
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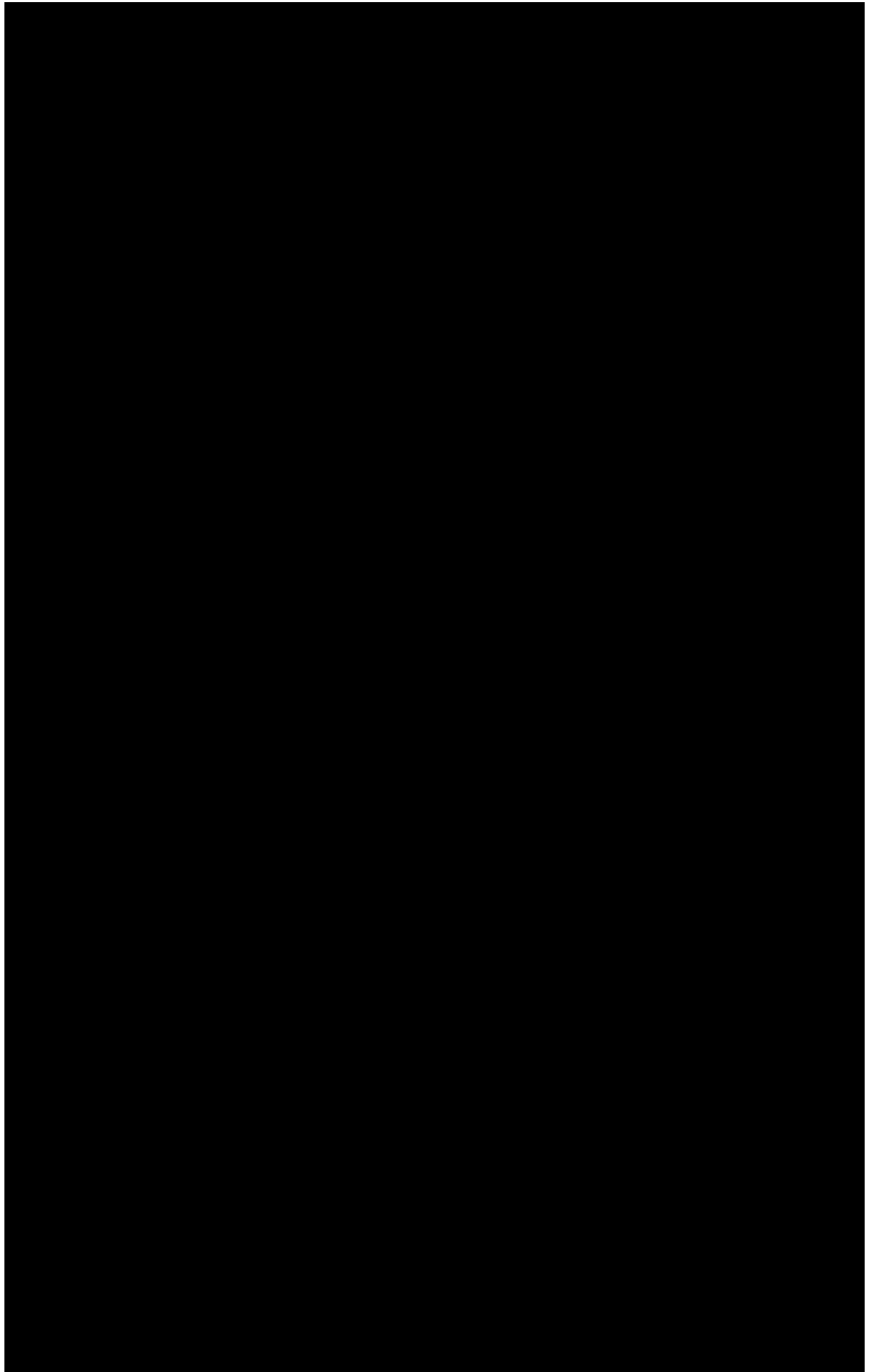
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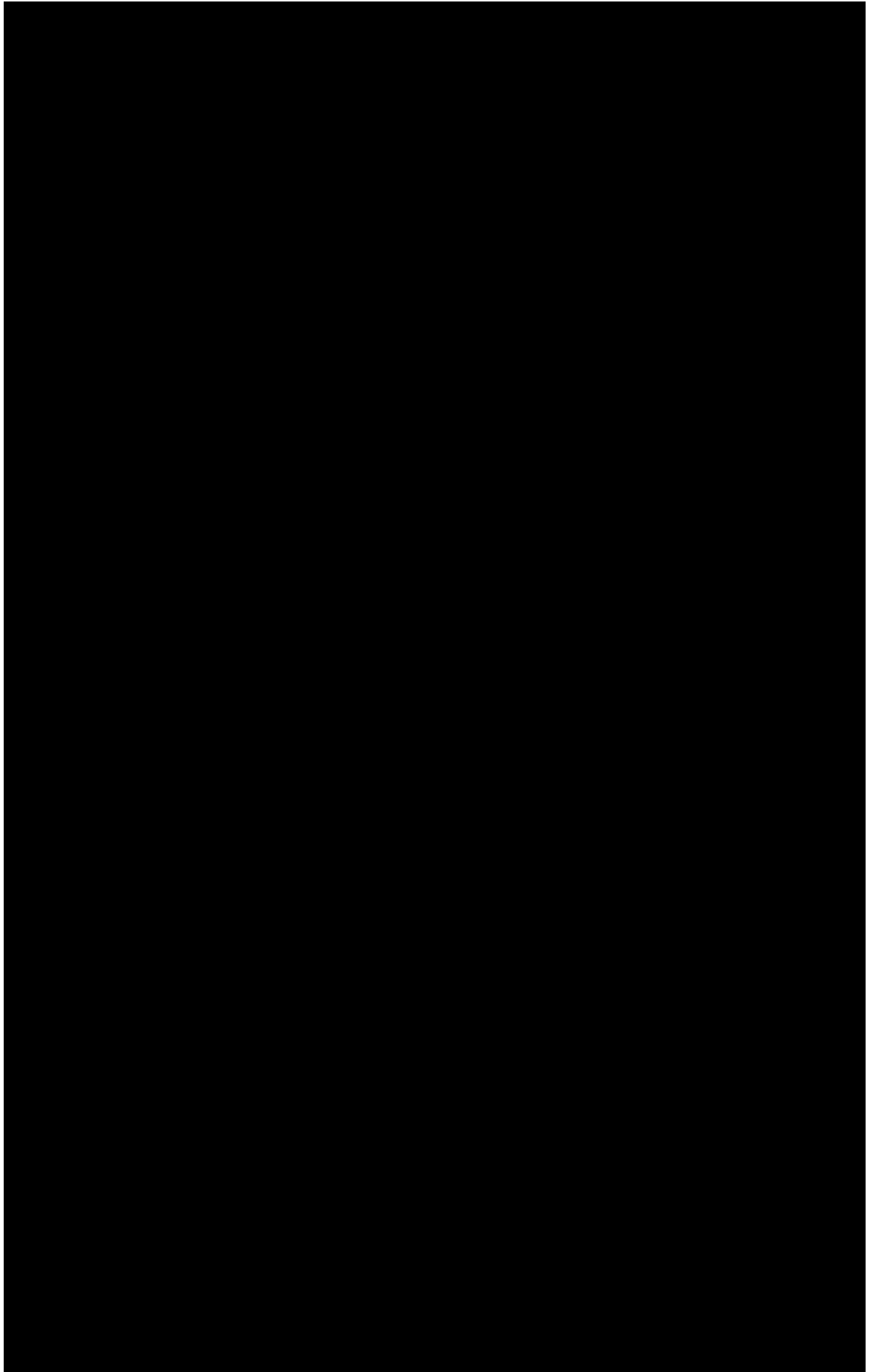
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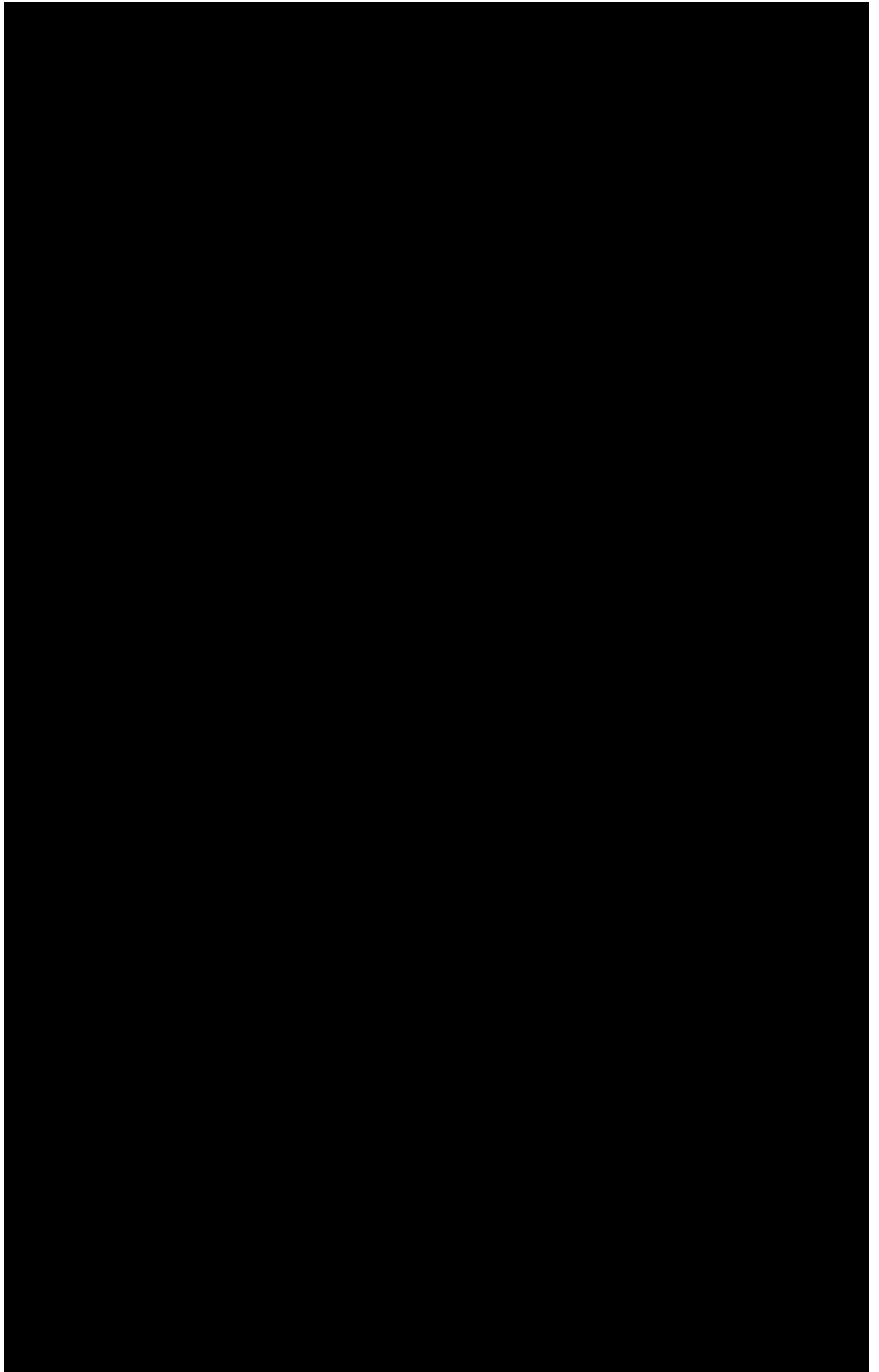
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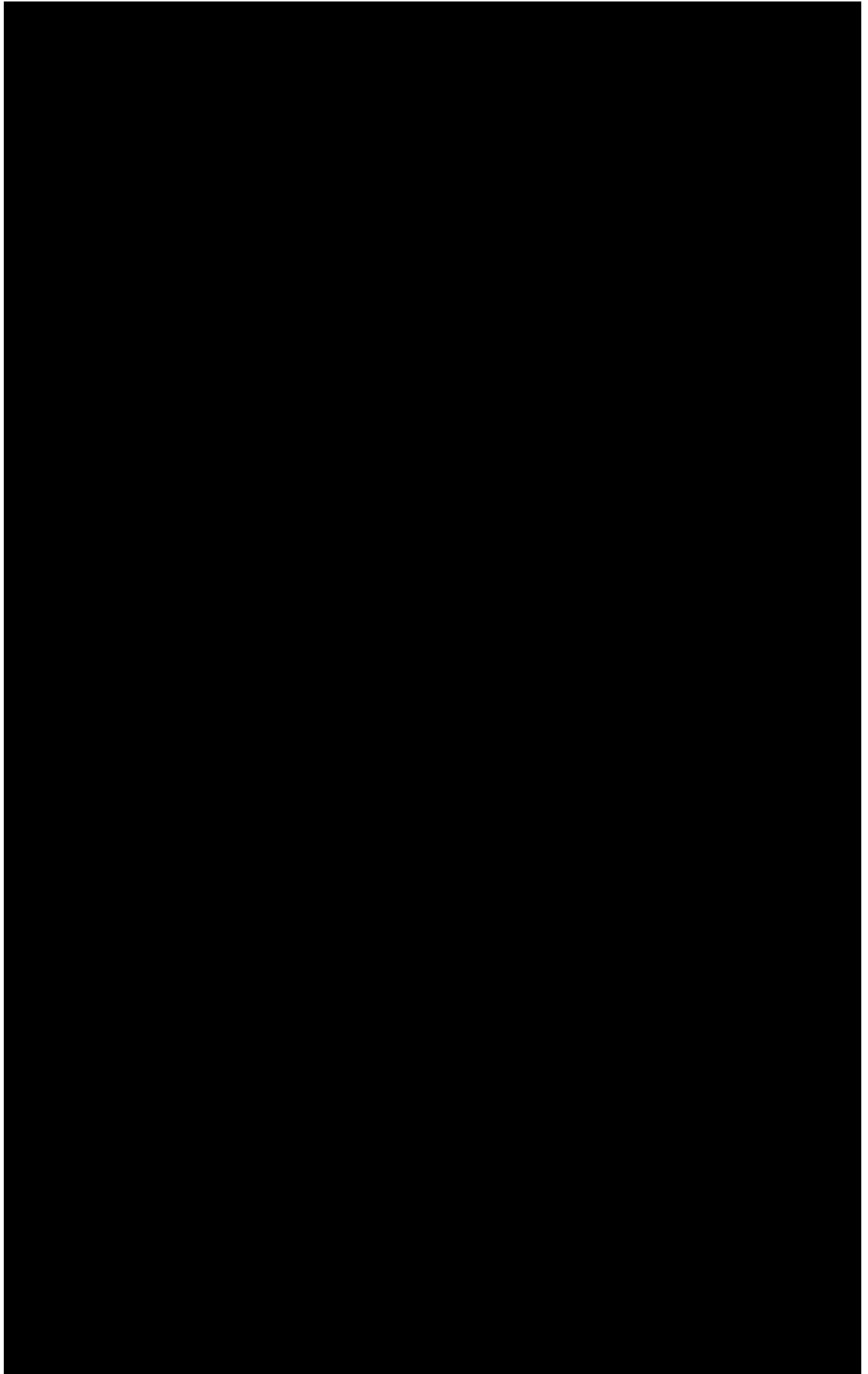
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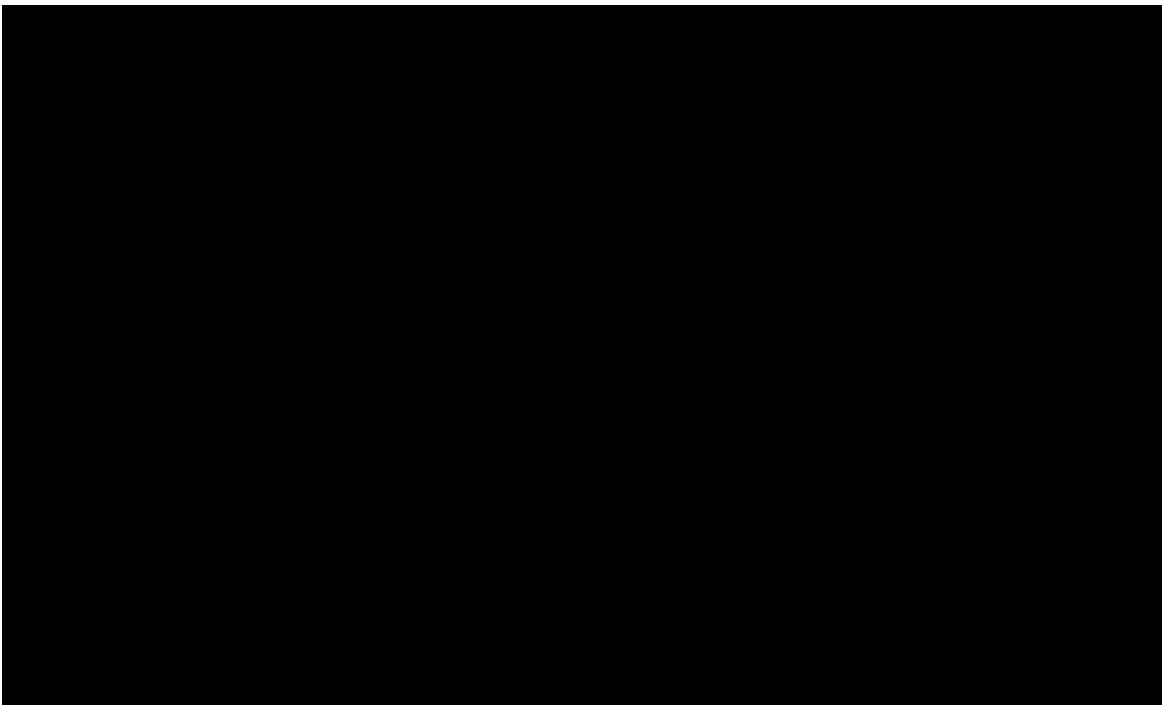
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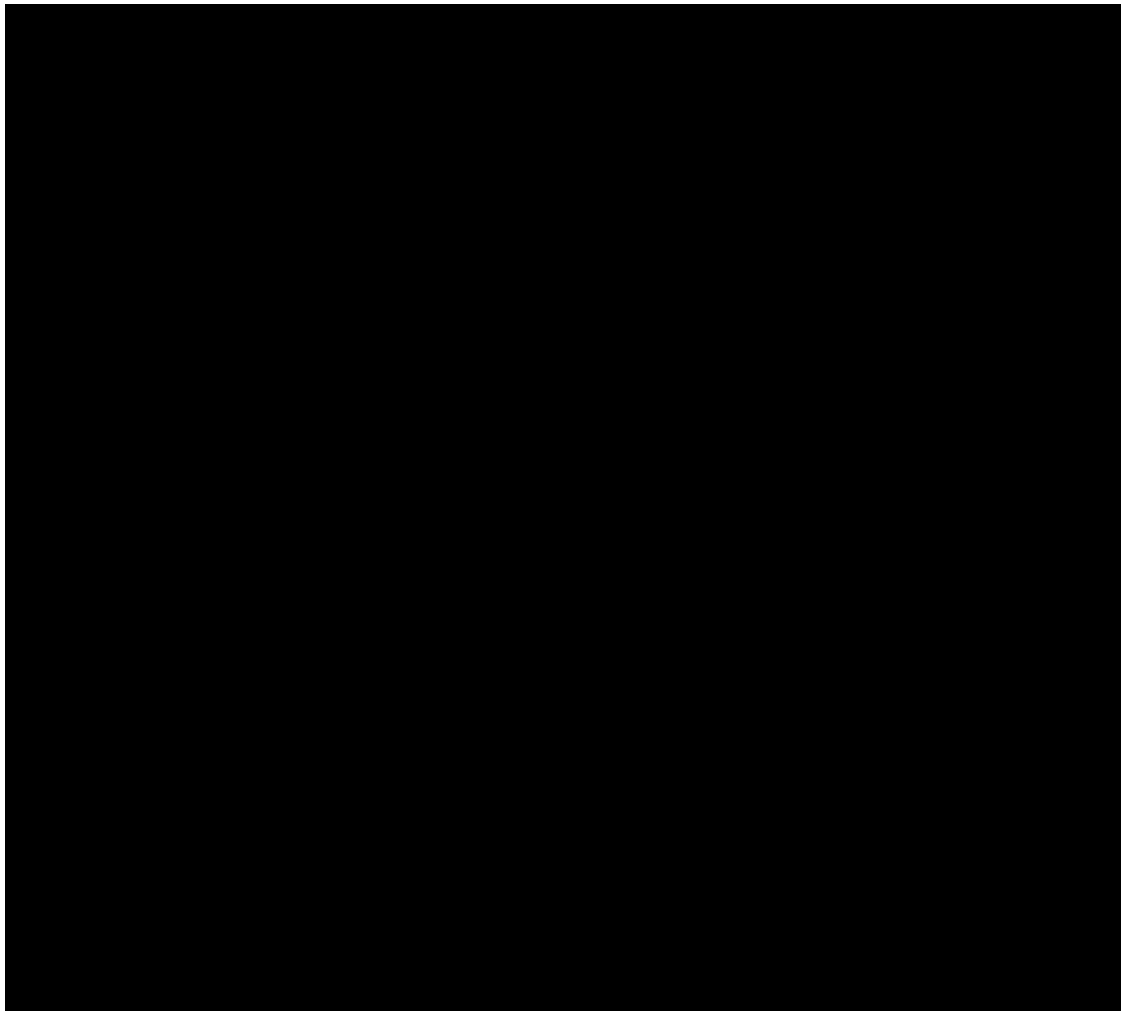


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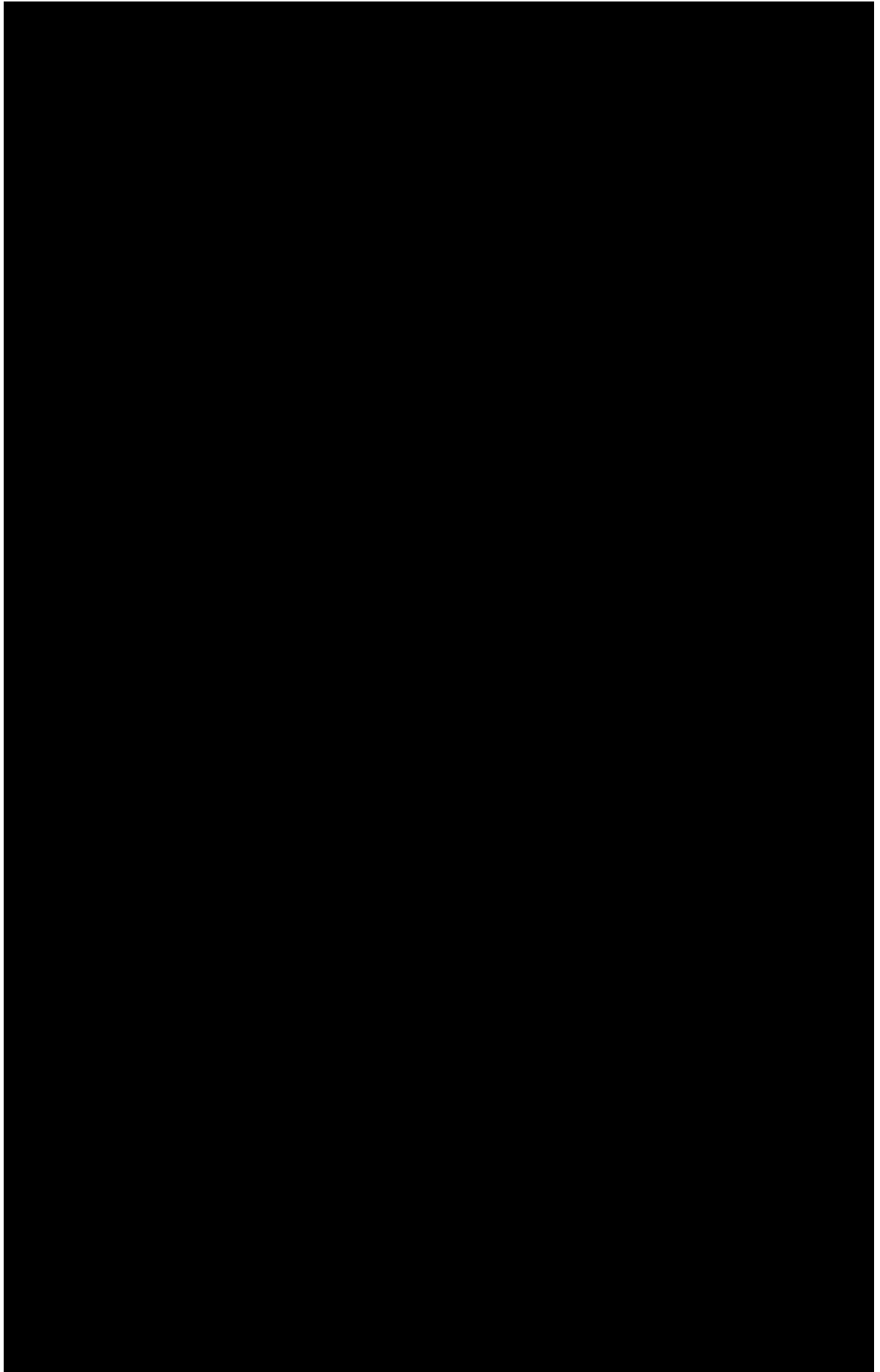


BY MR. BAKER:

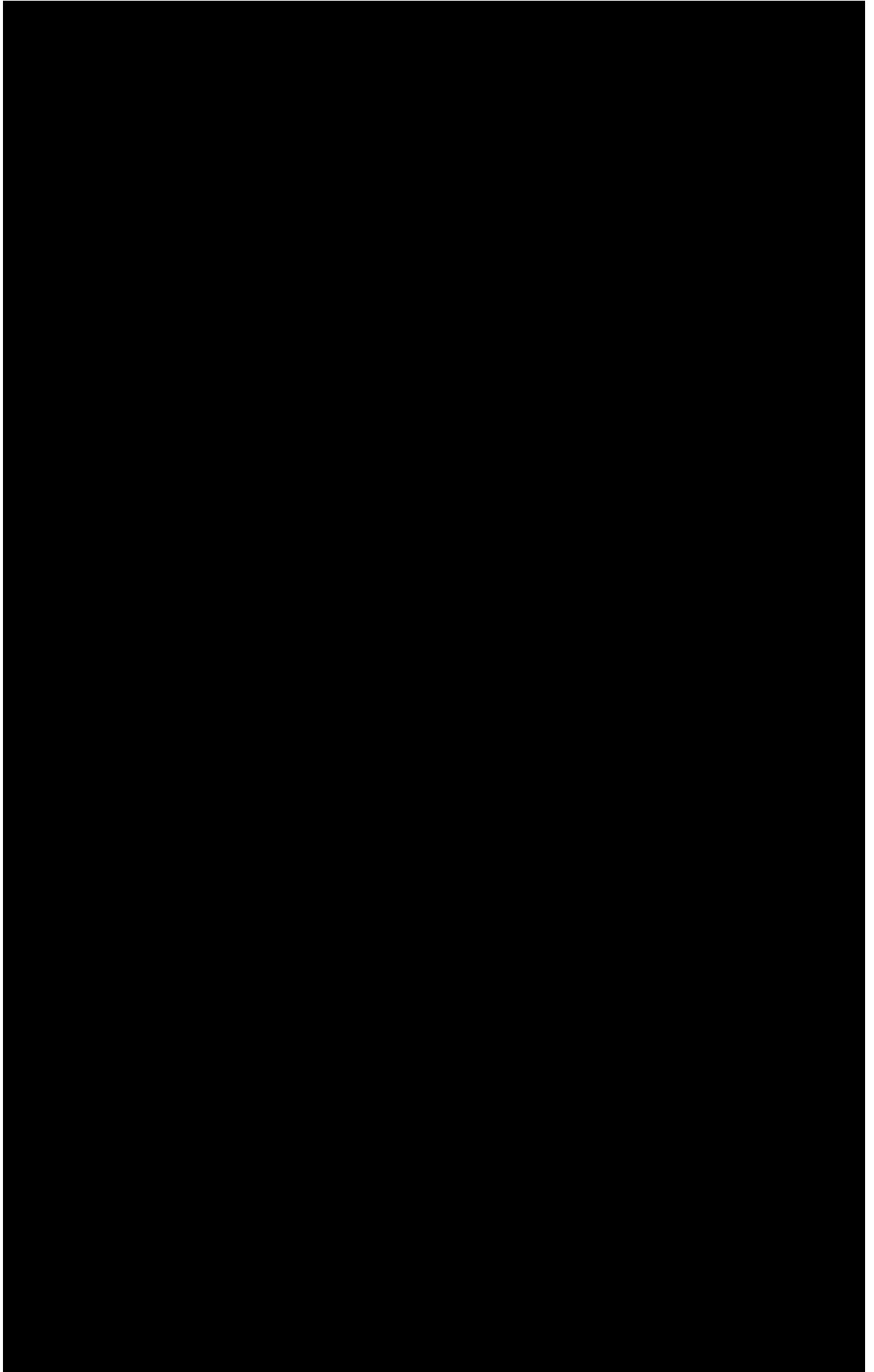
Q. Okay. Let's move forward.



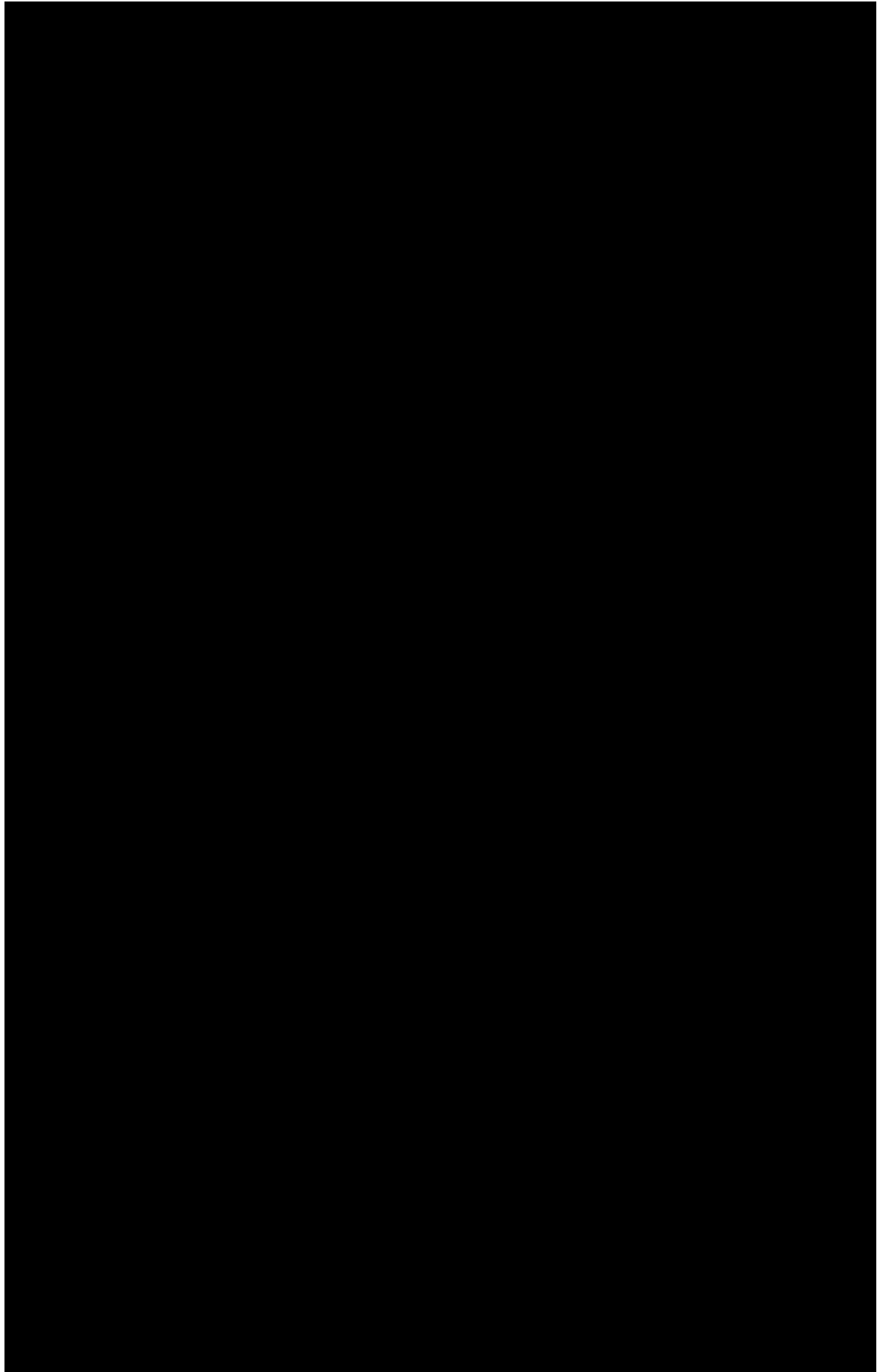
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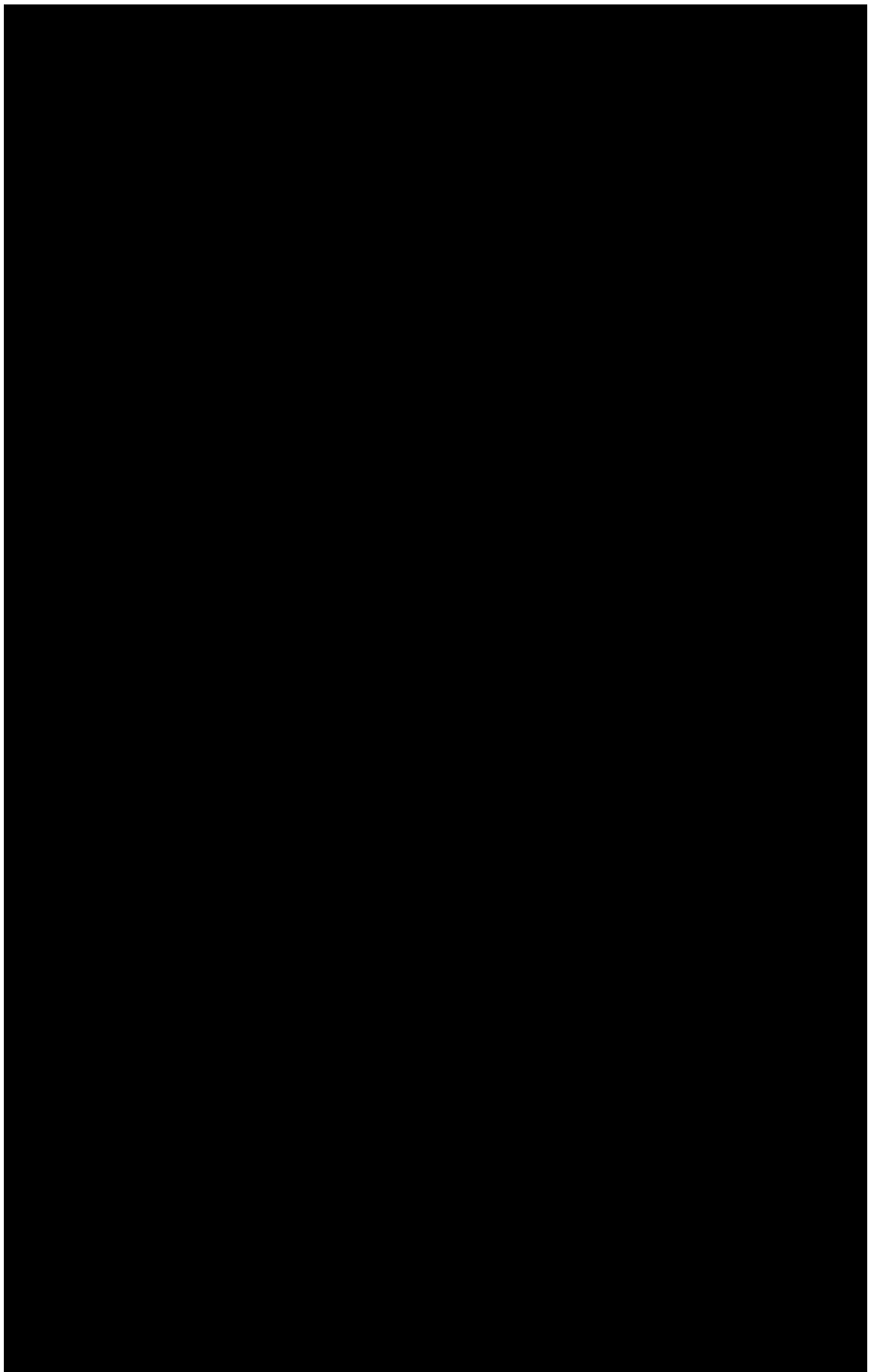
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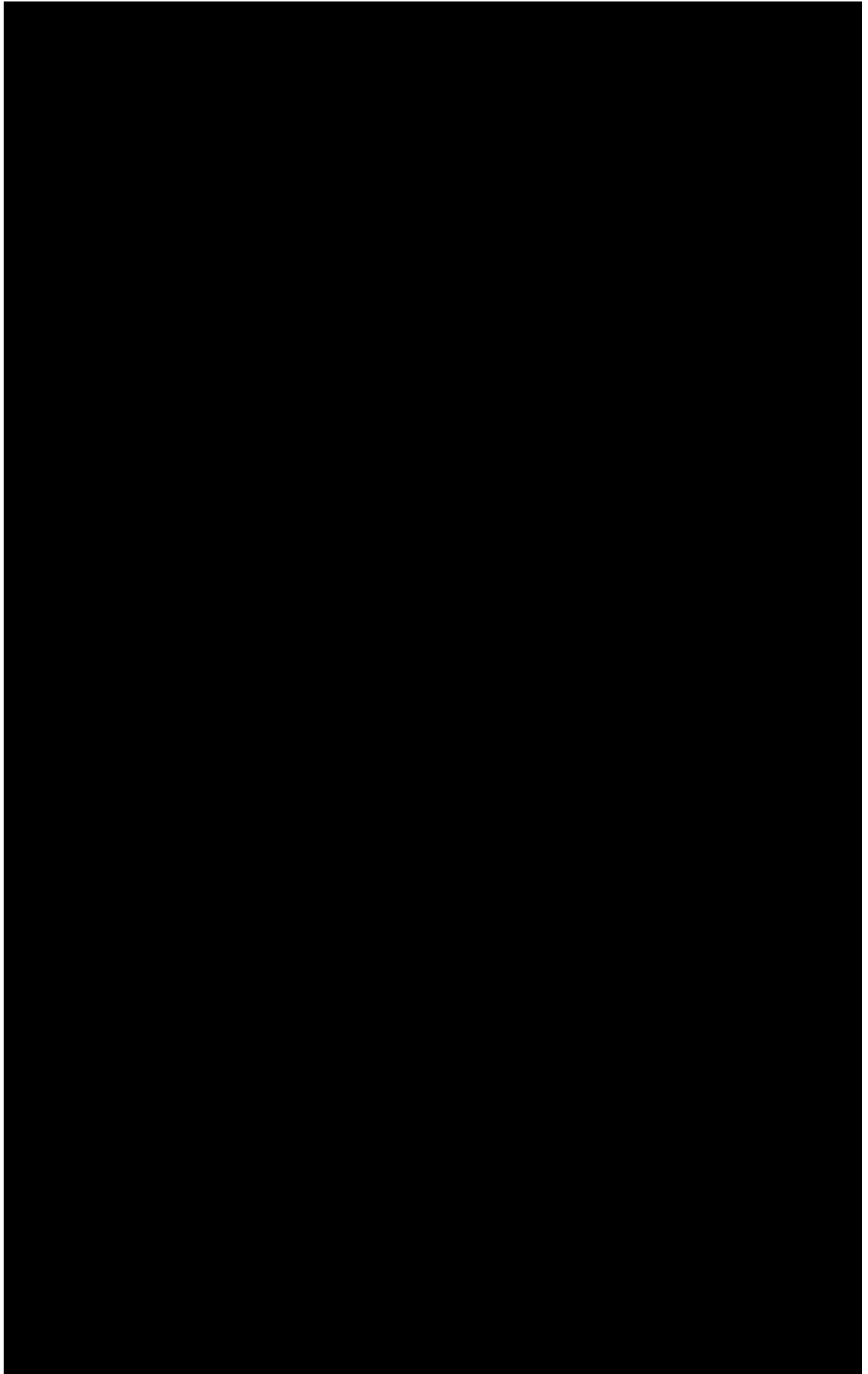
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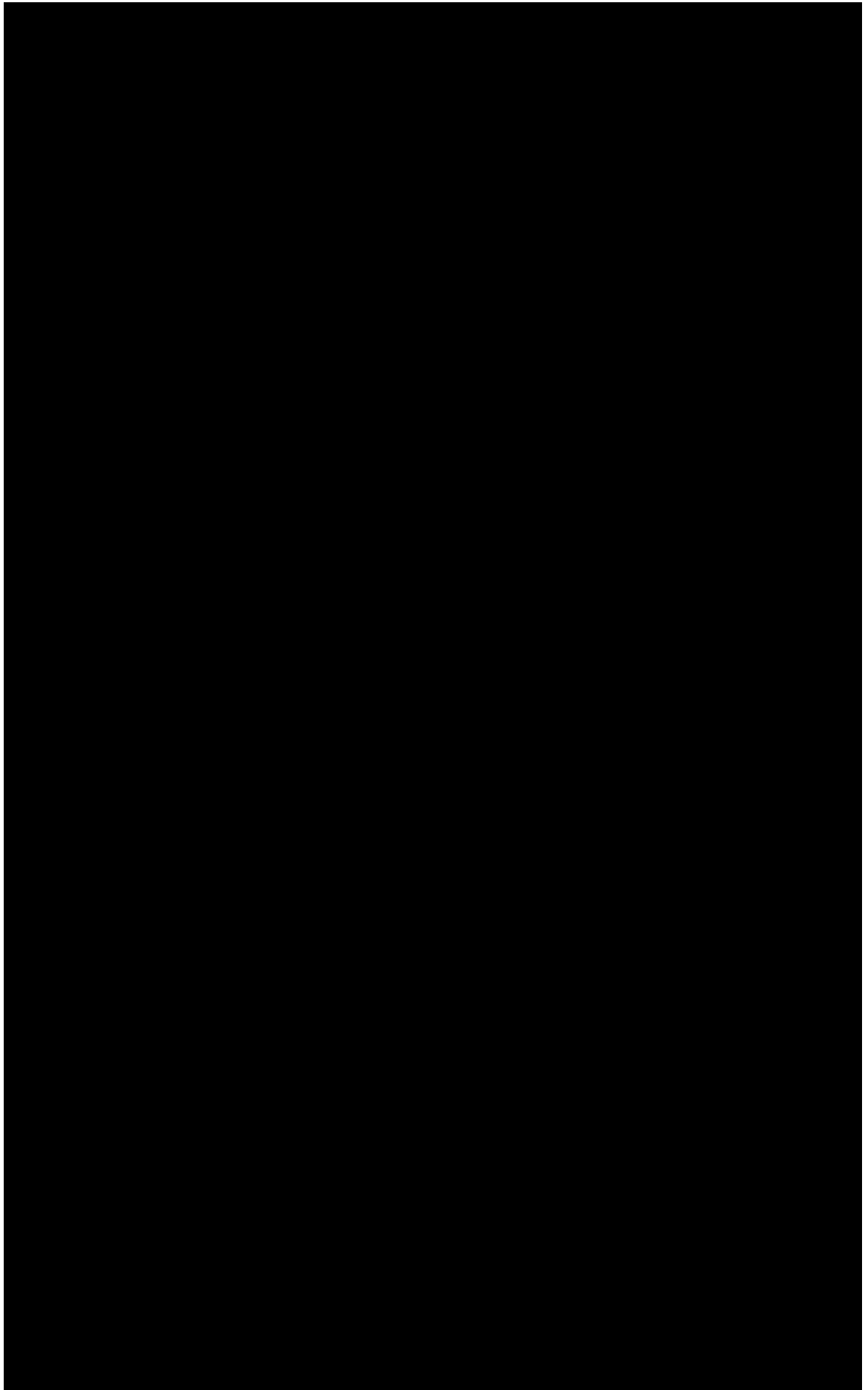
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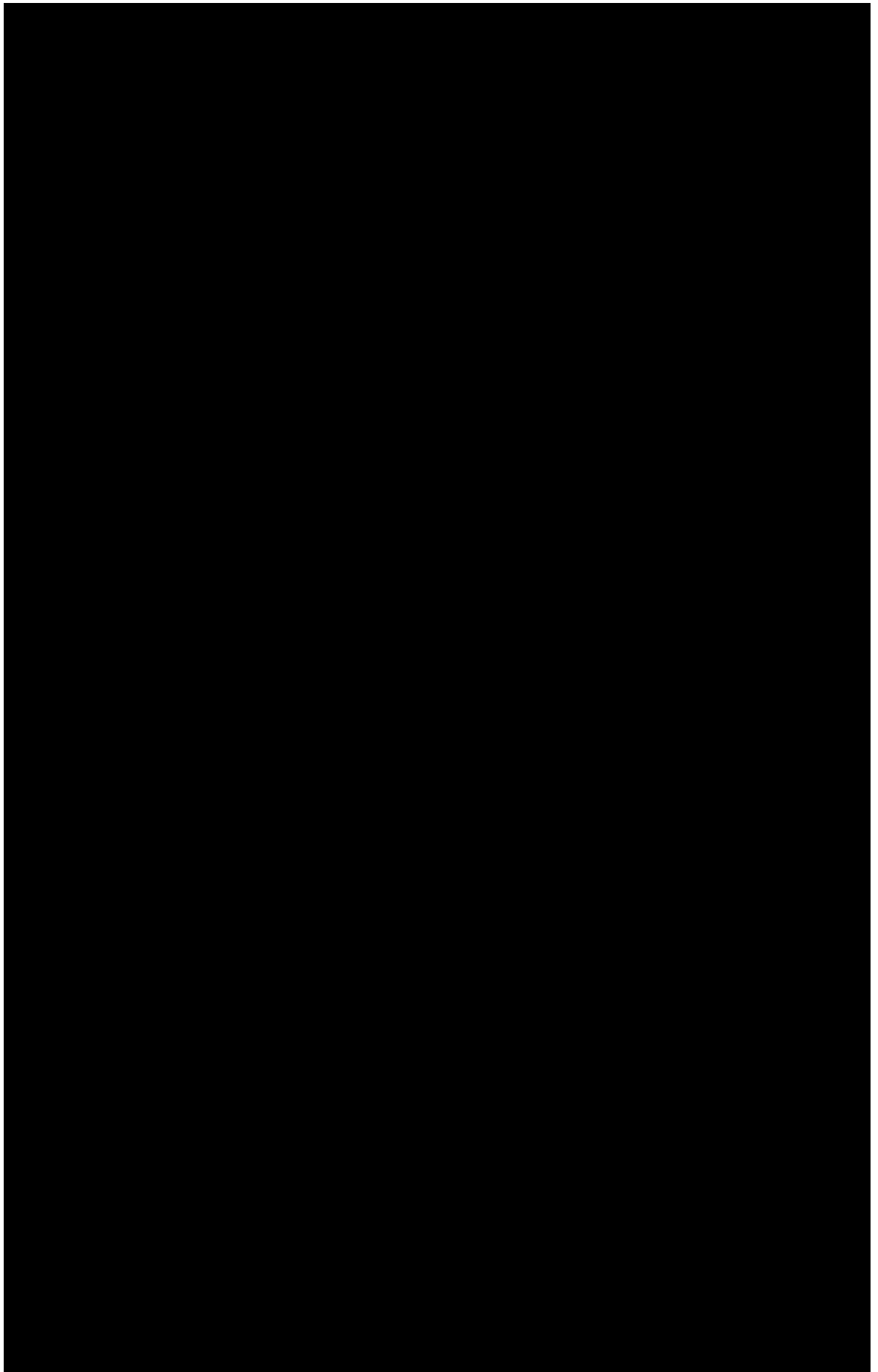
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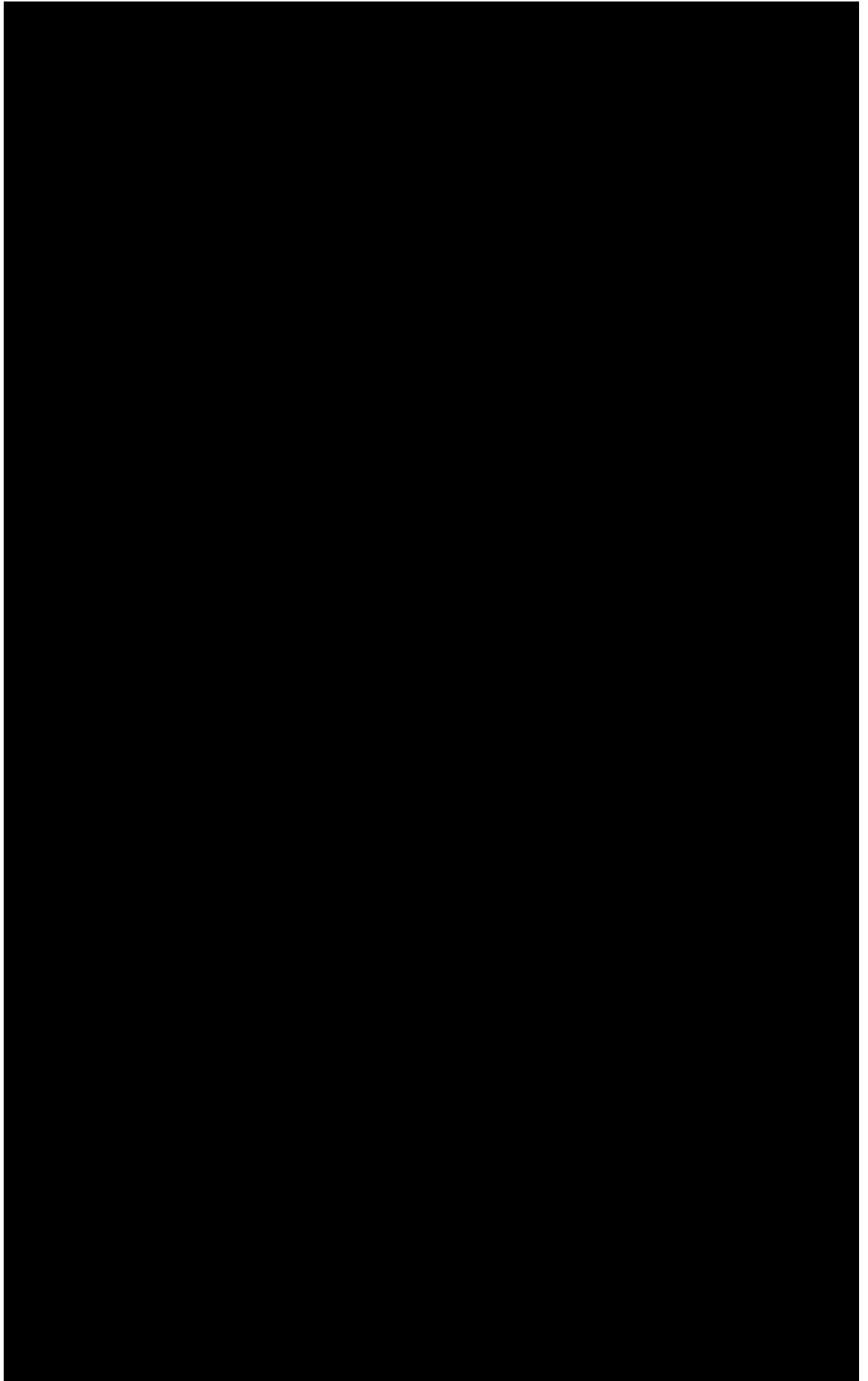
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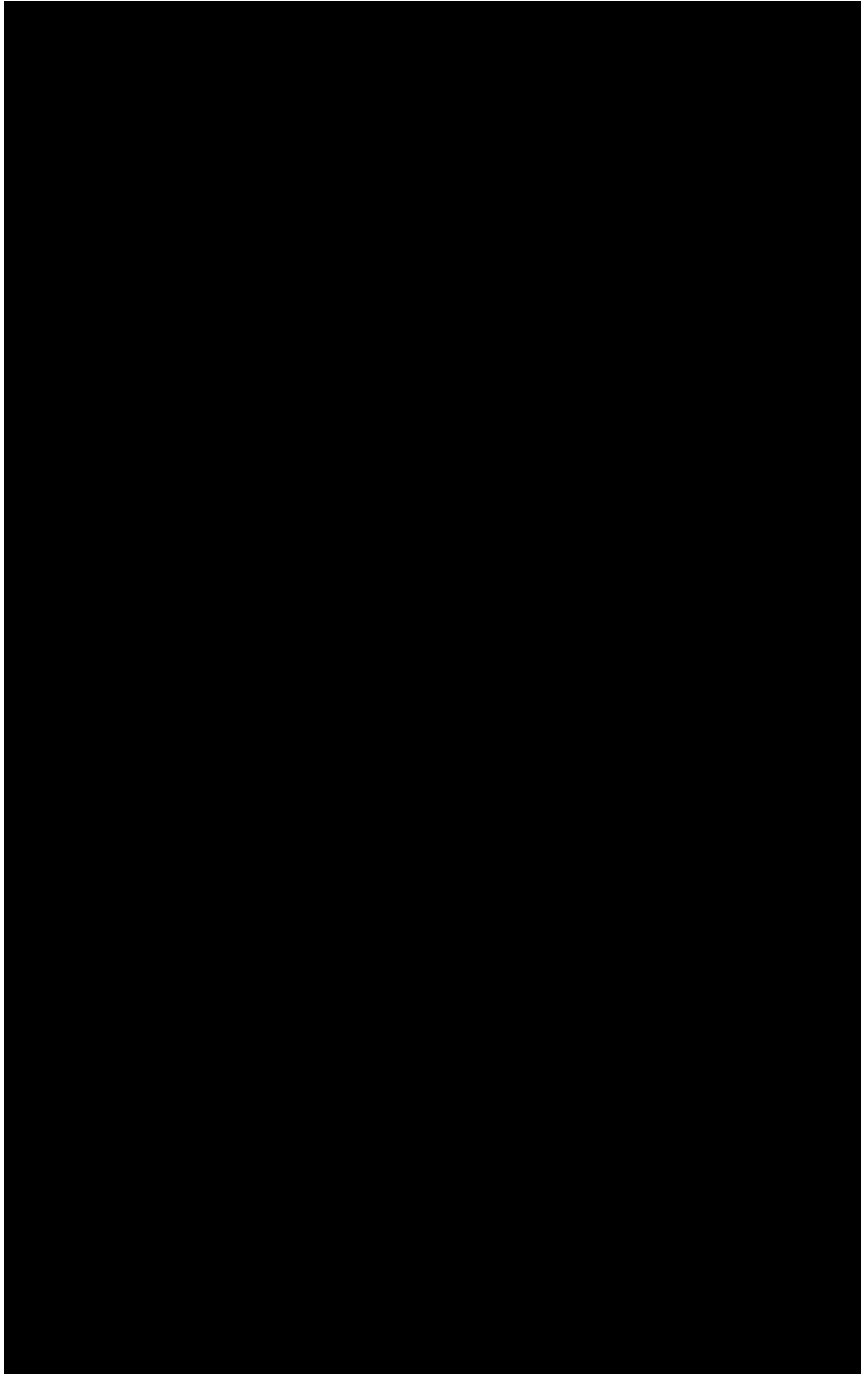
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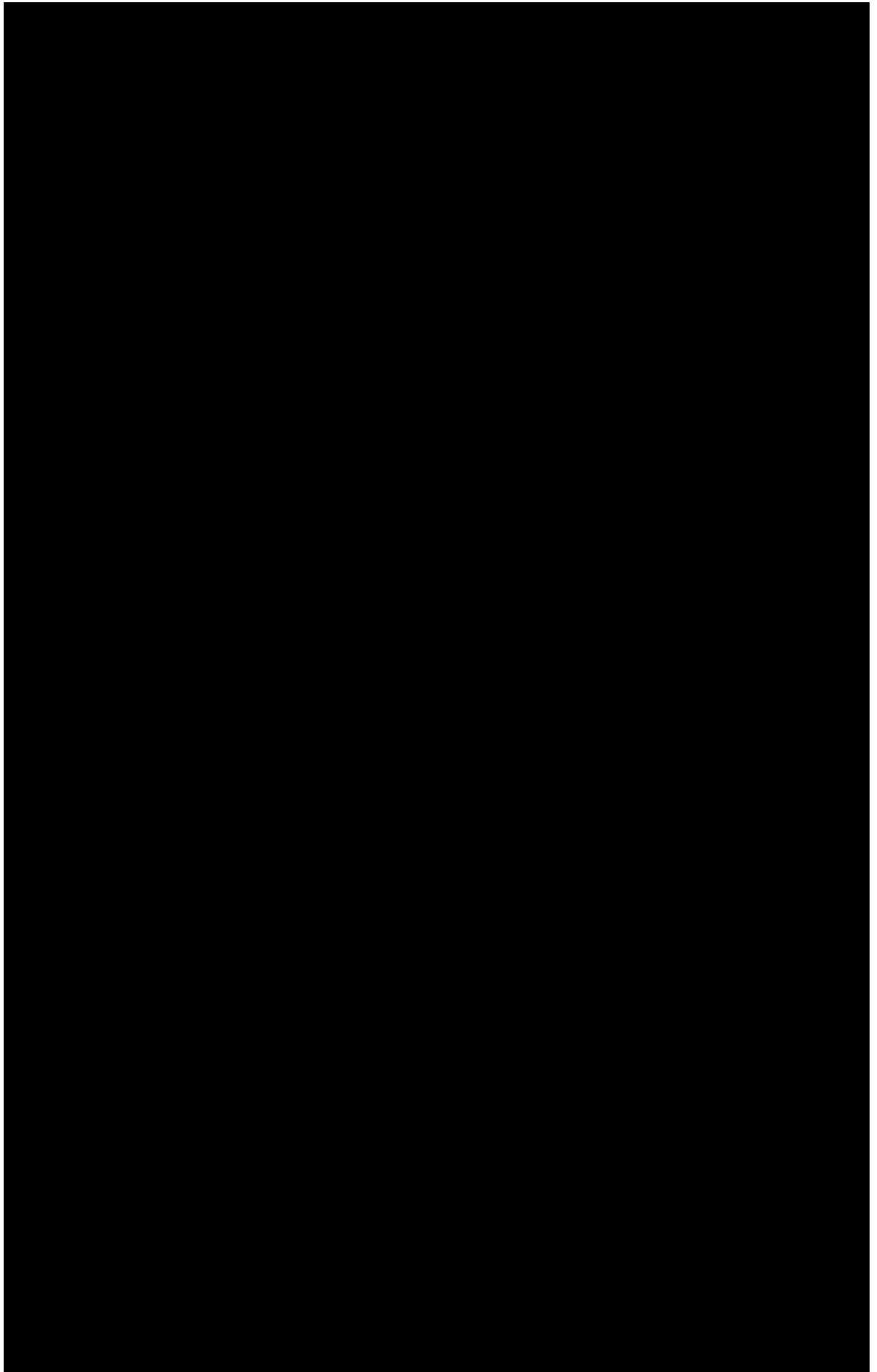
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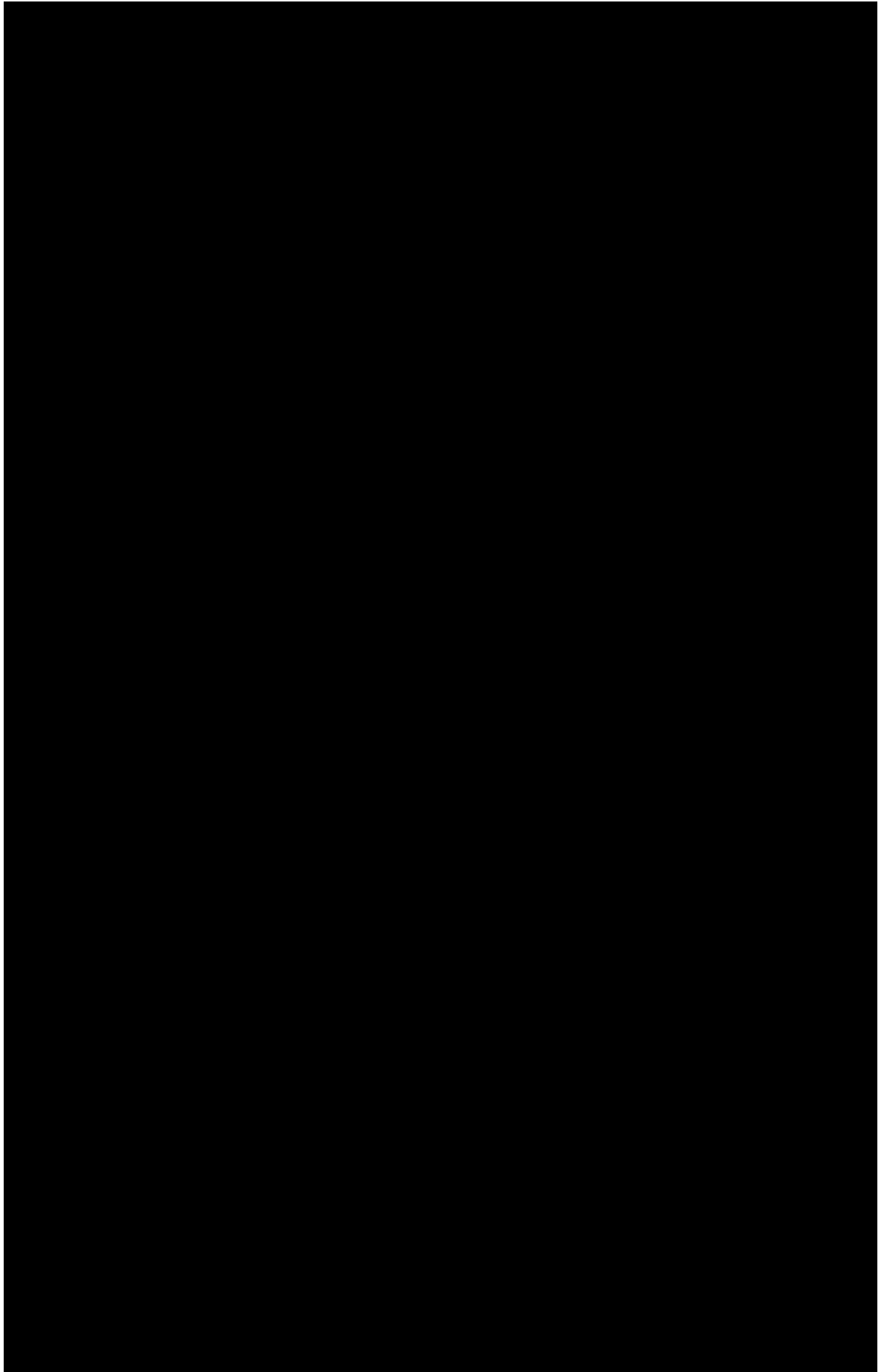
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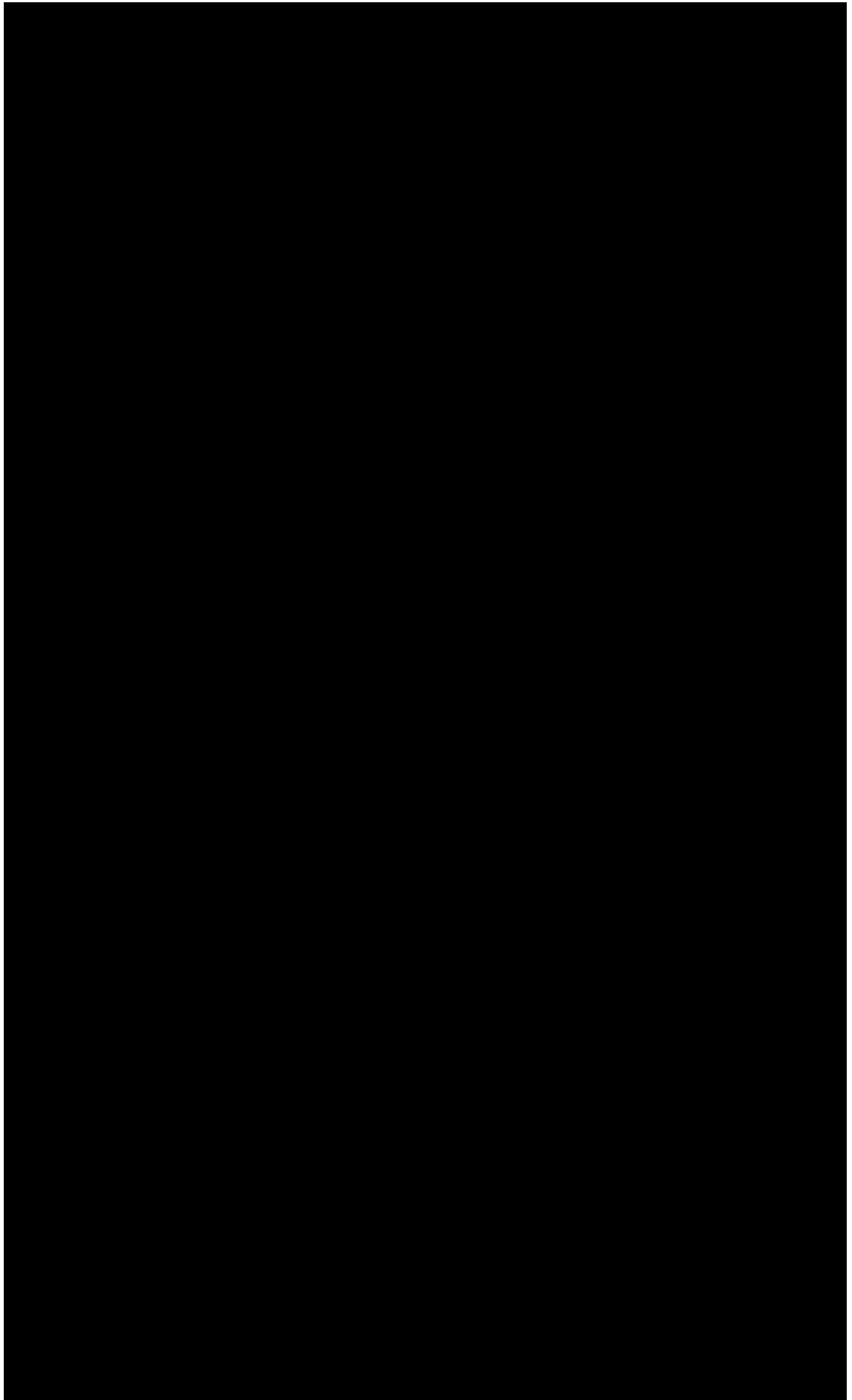
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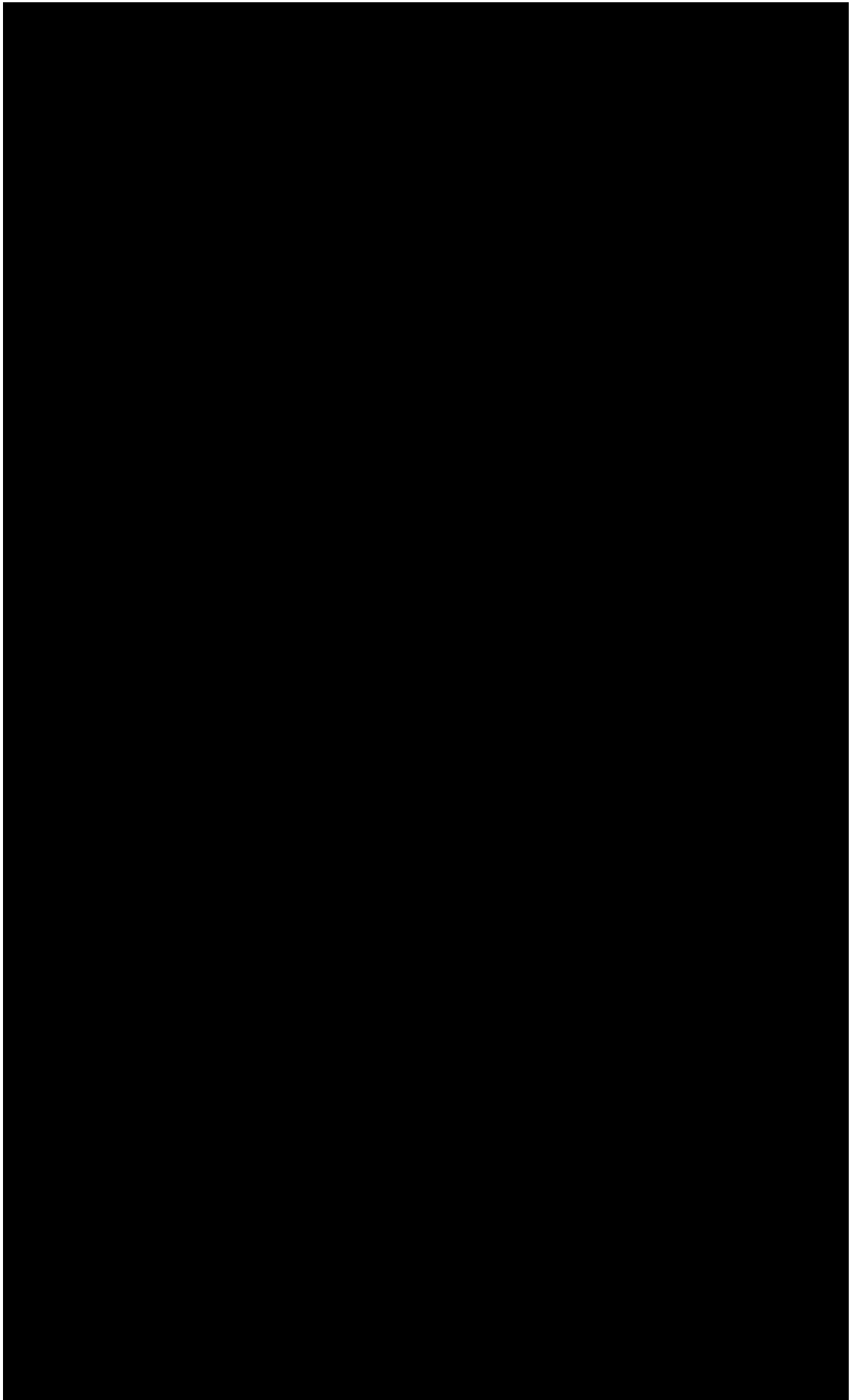
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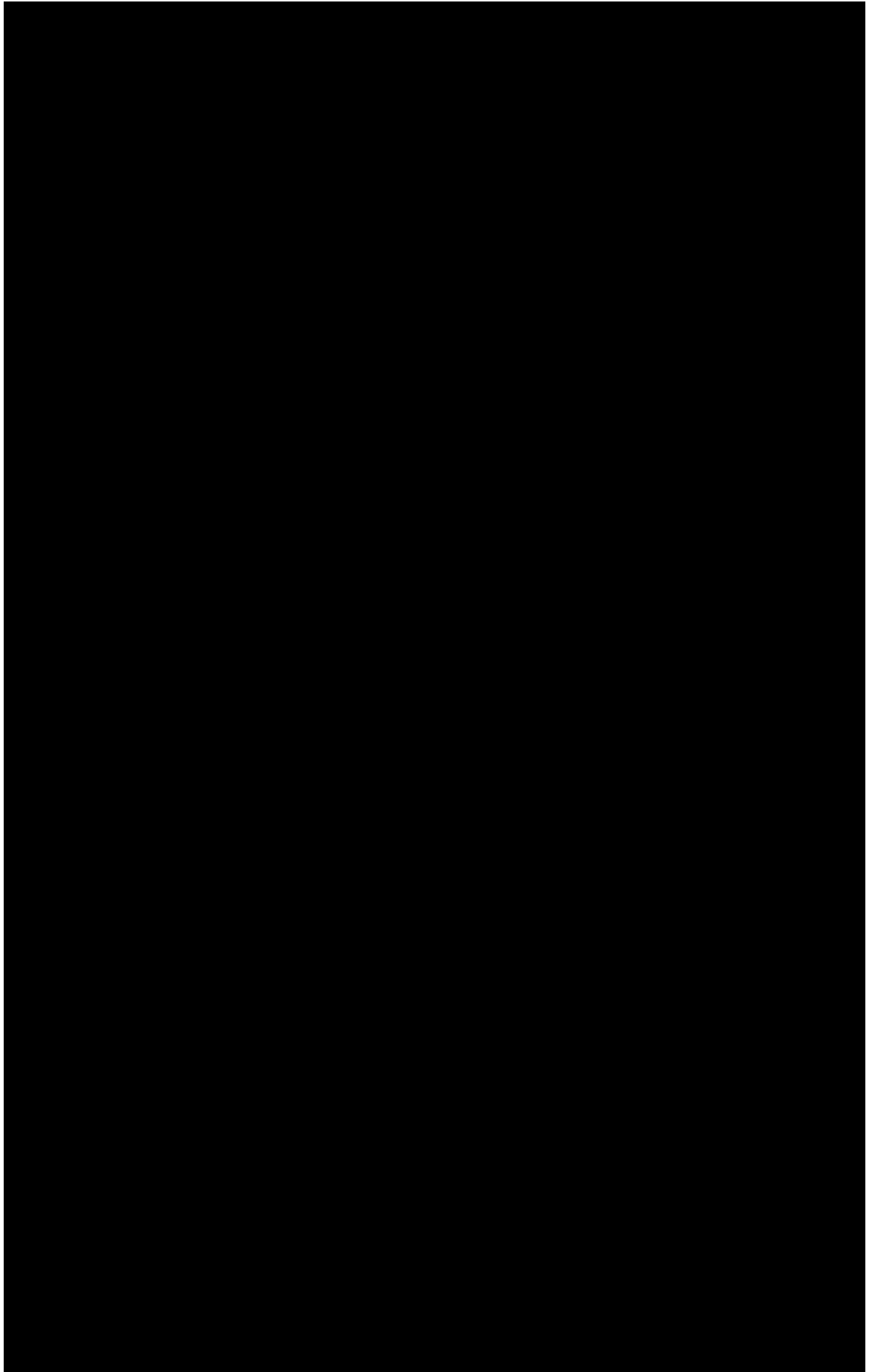
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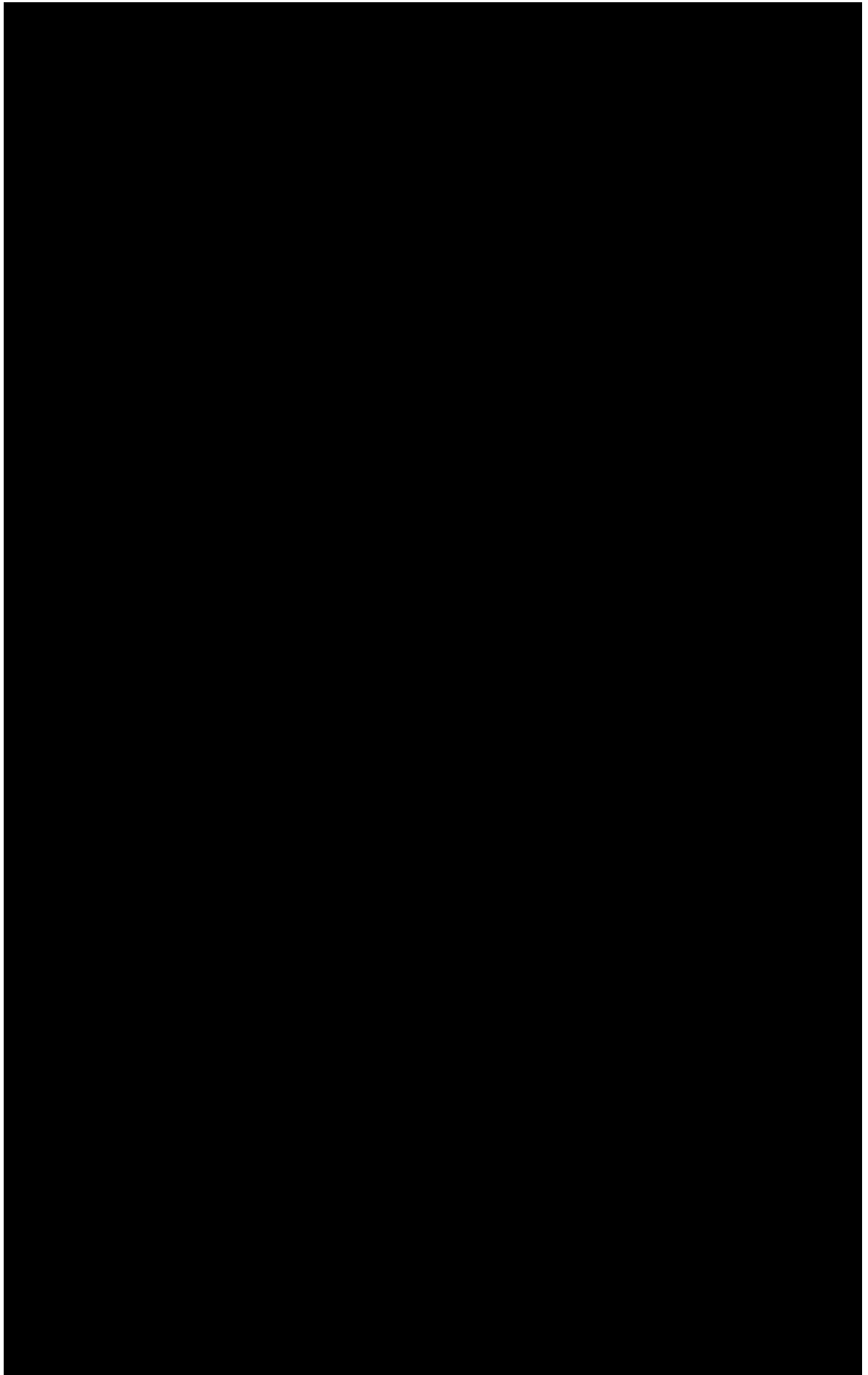
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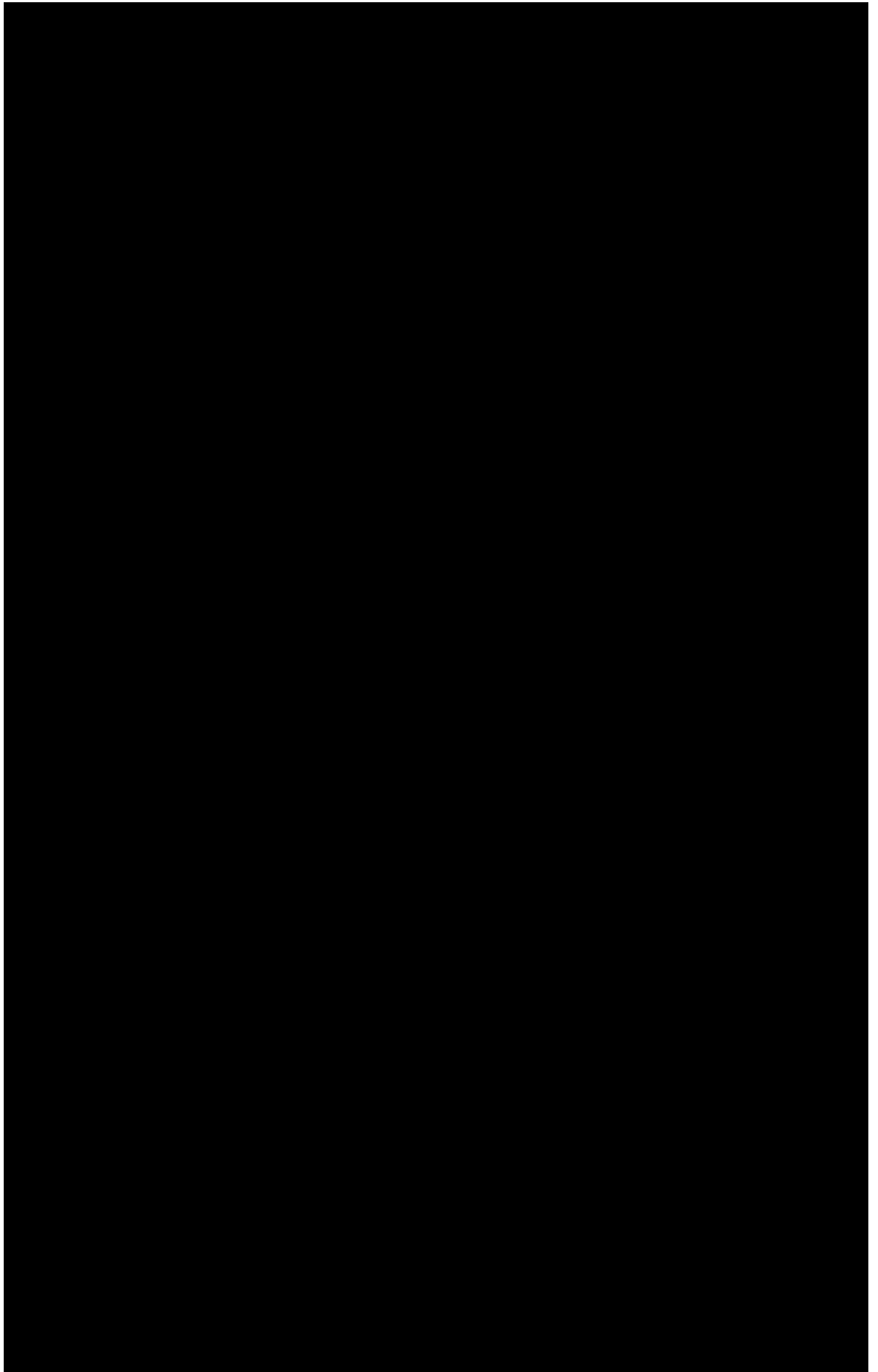
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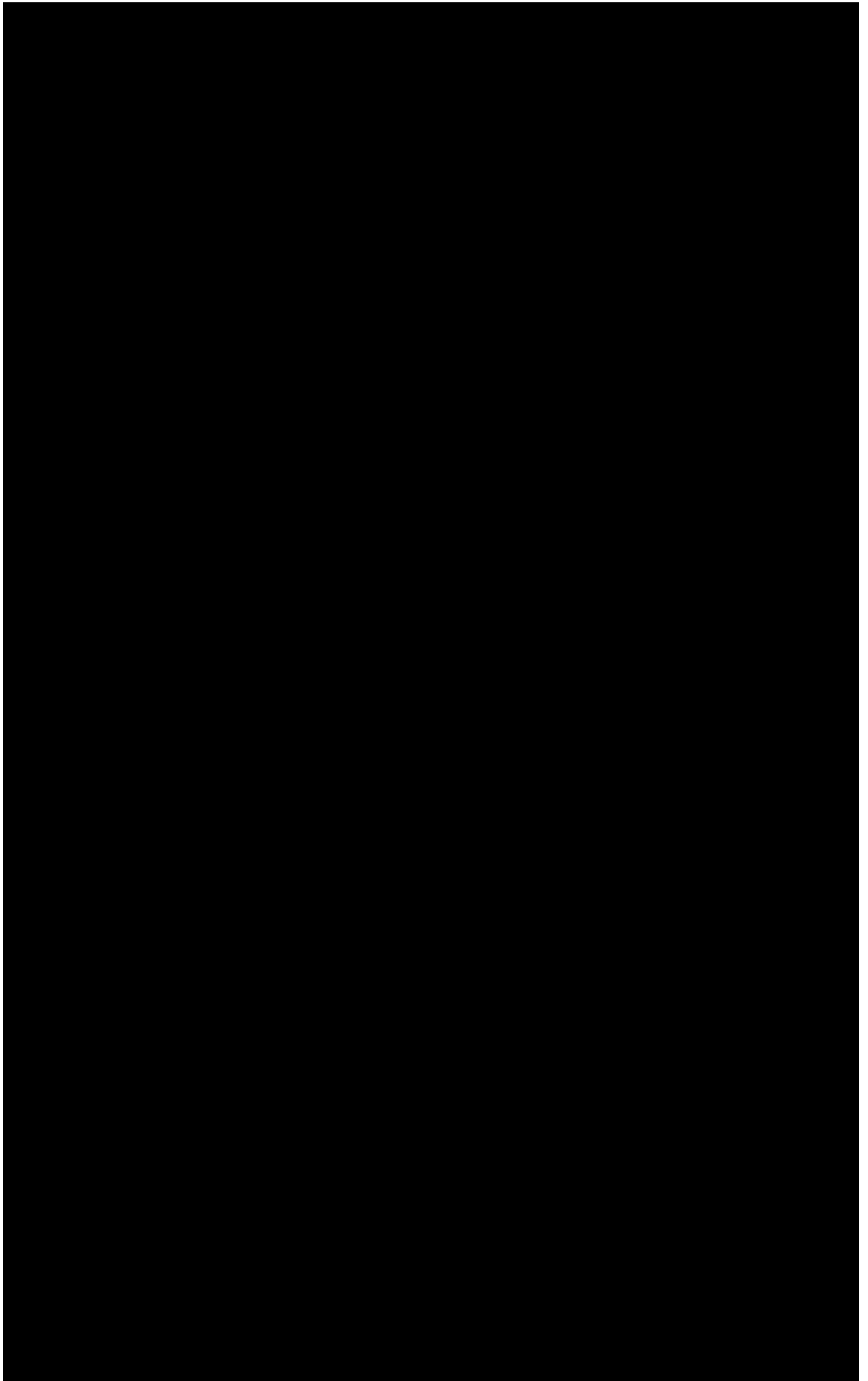
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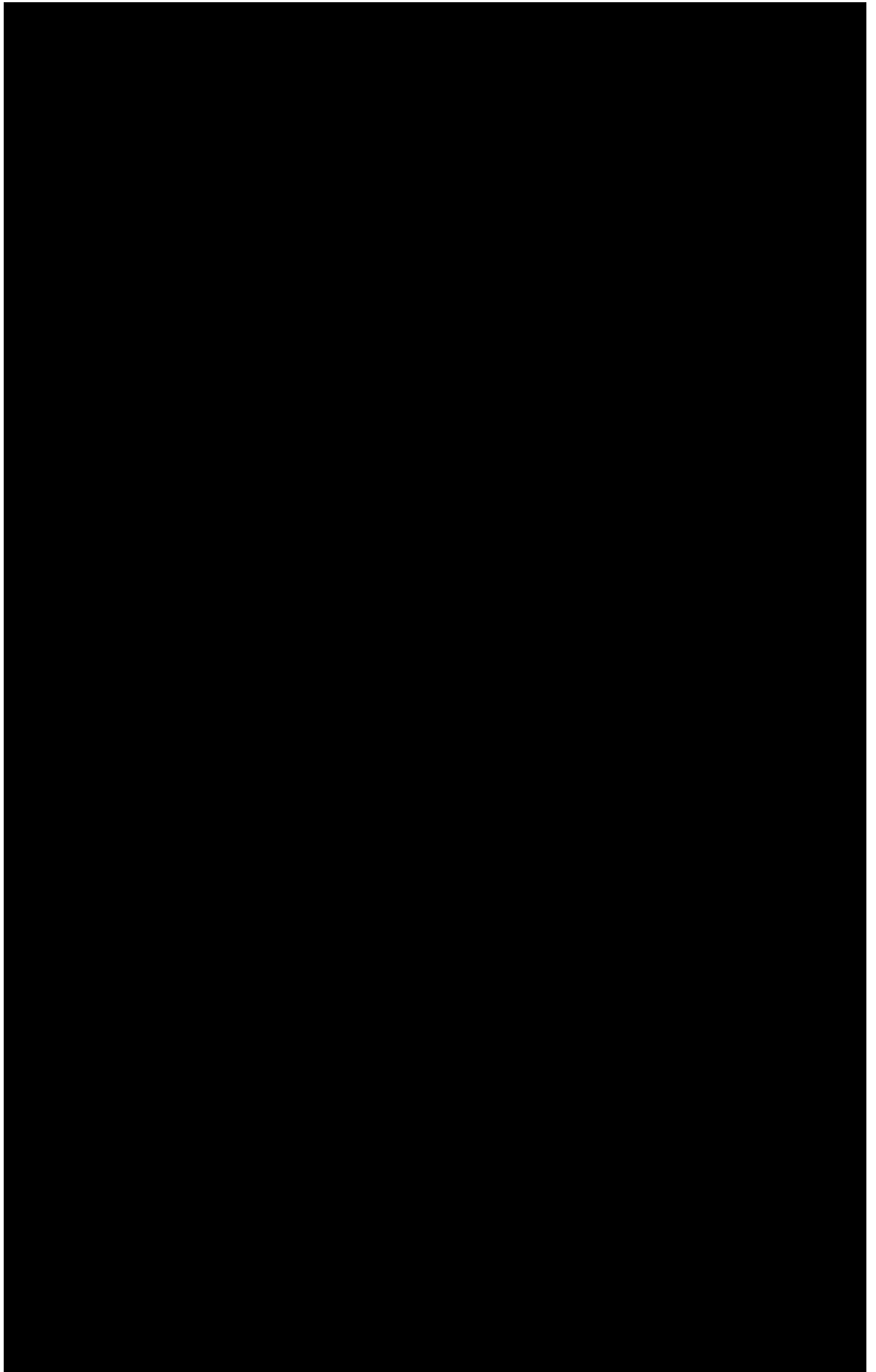
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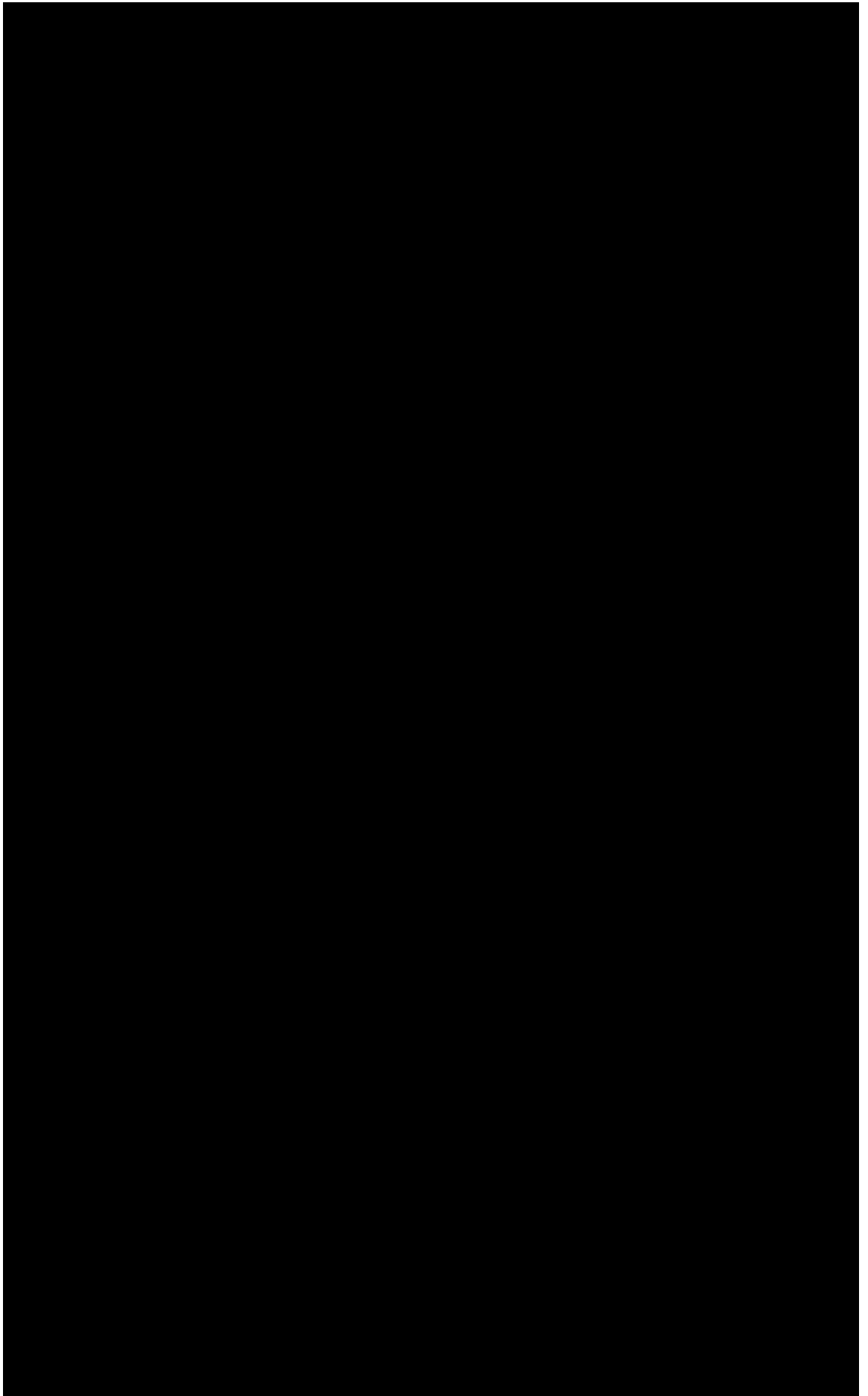
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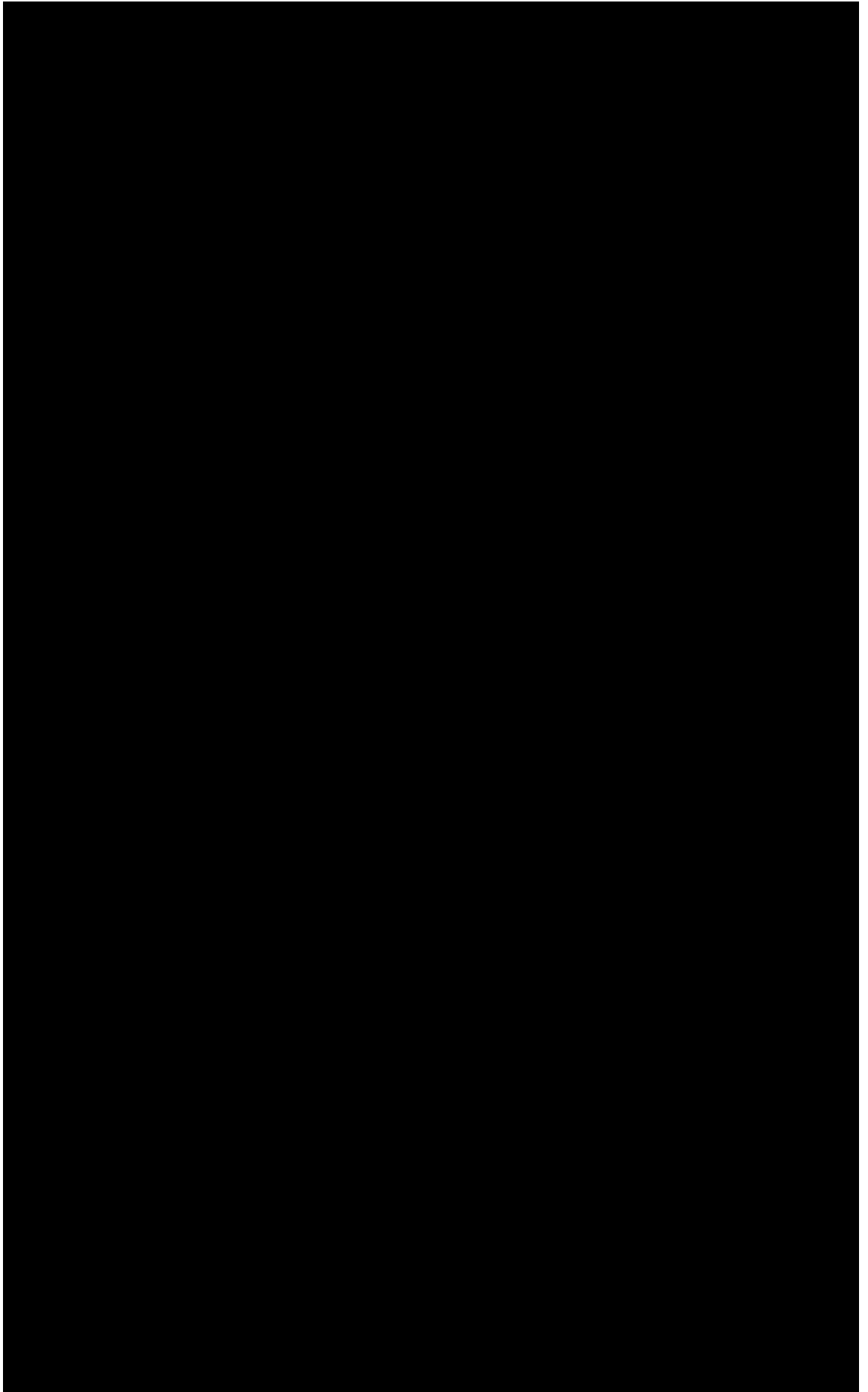
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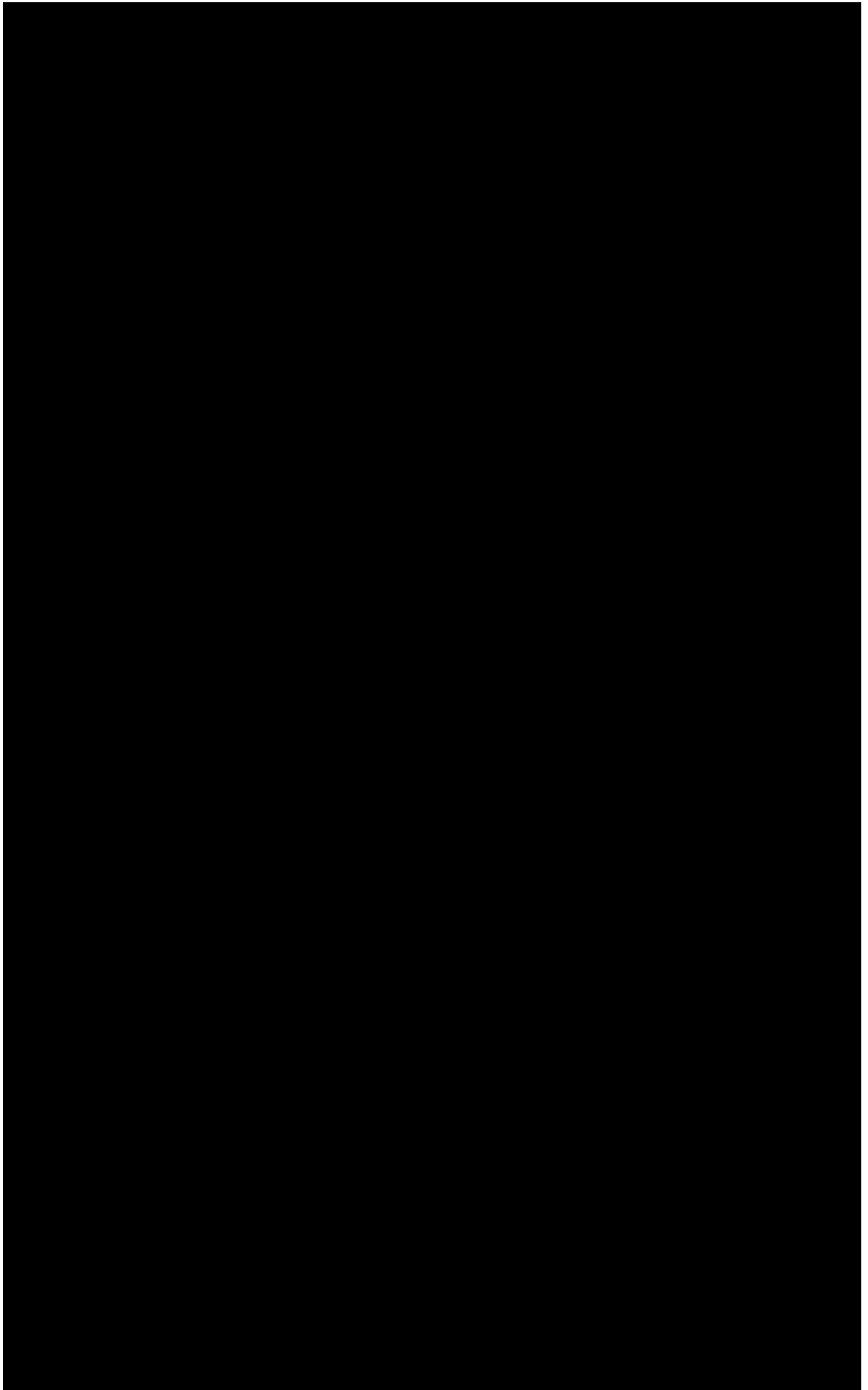
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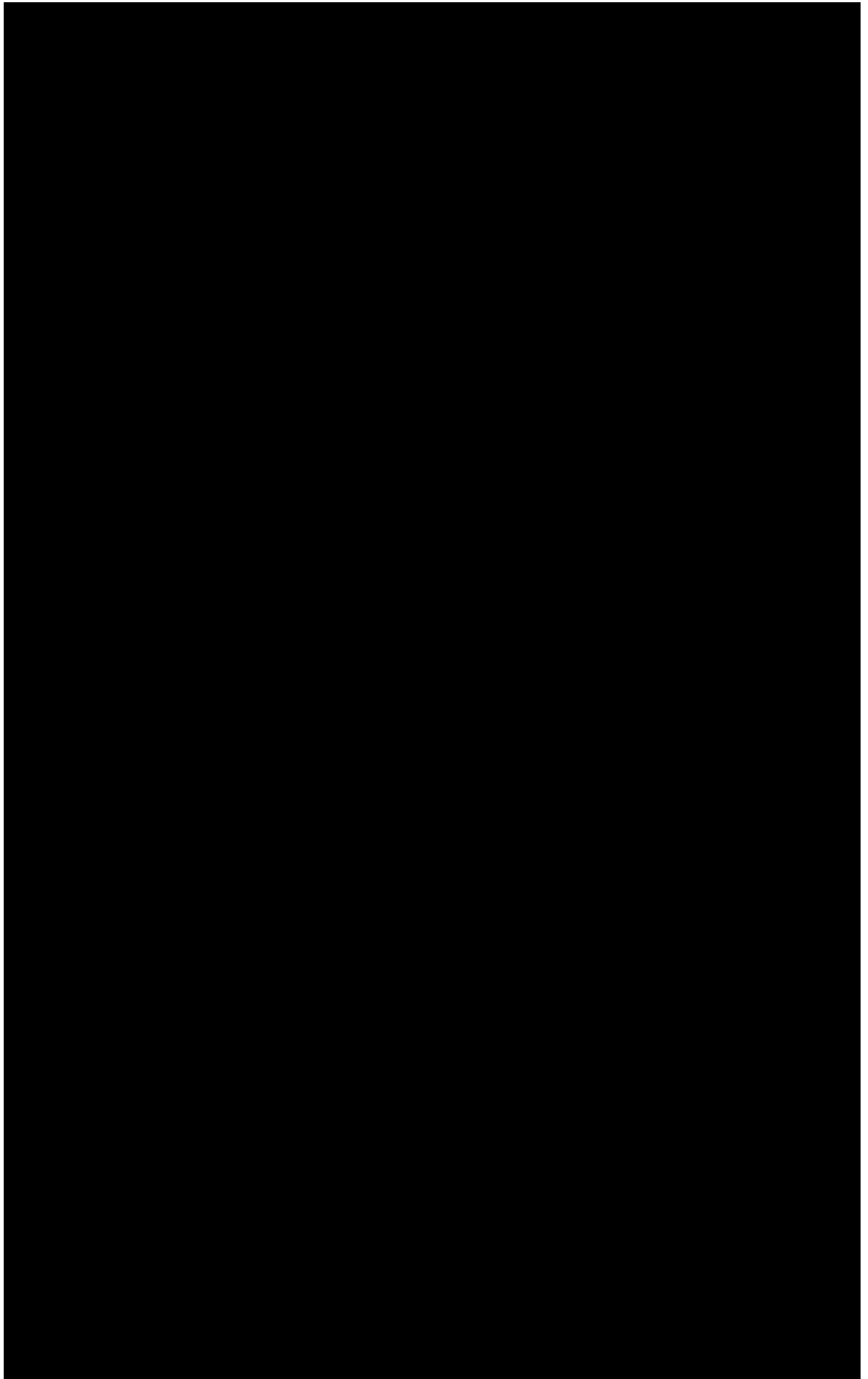
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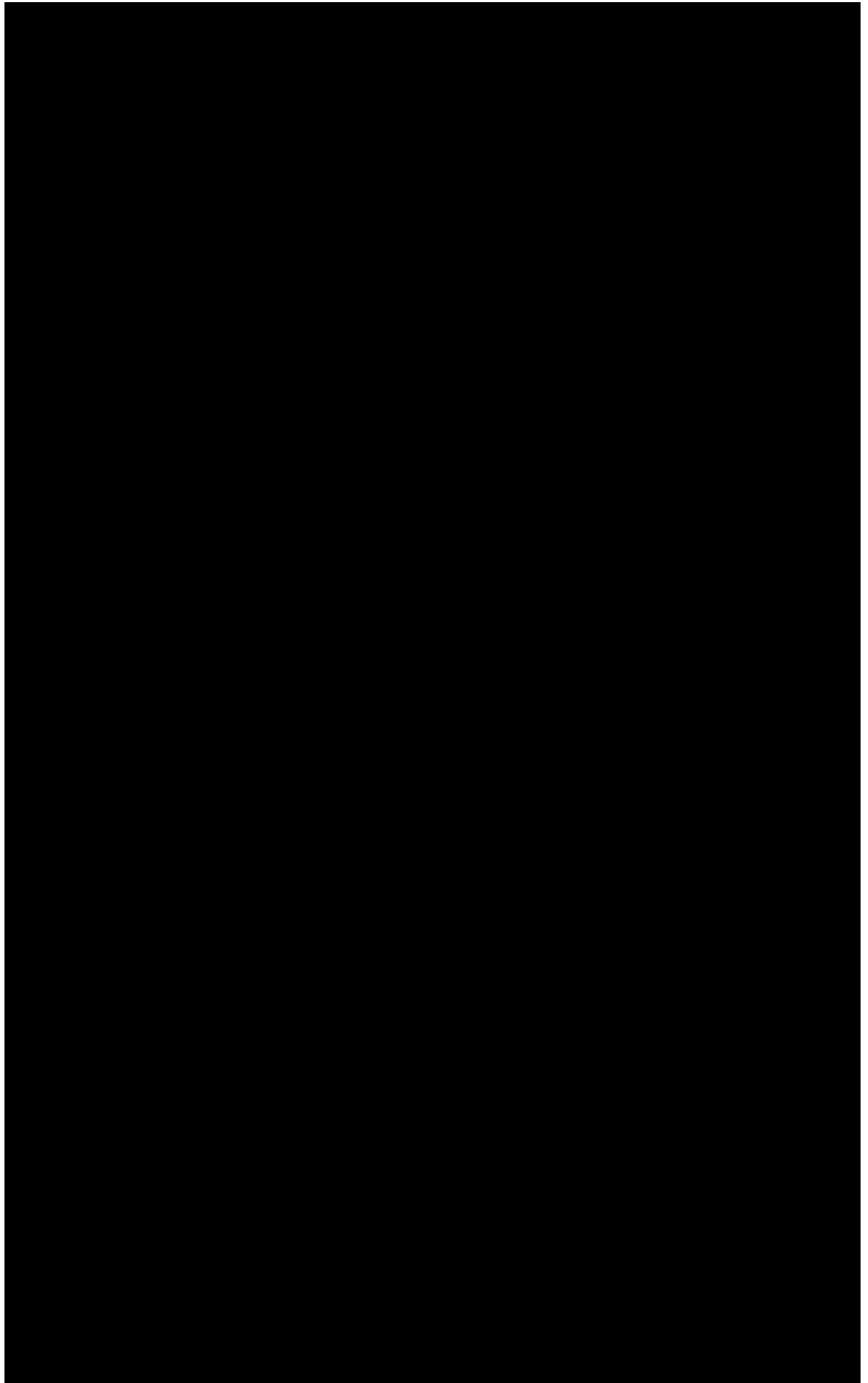
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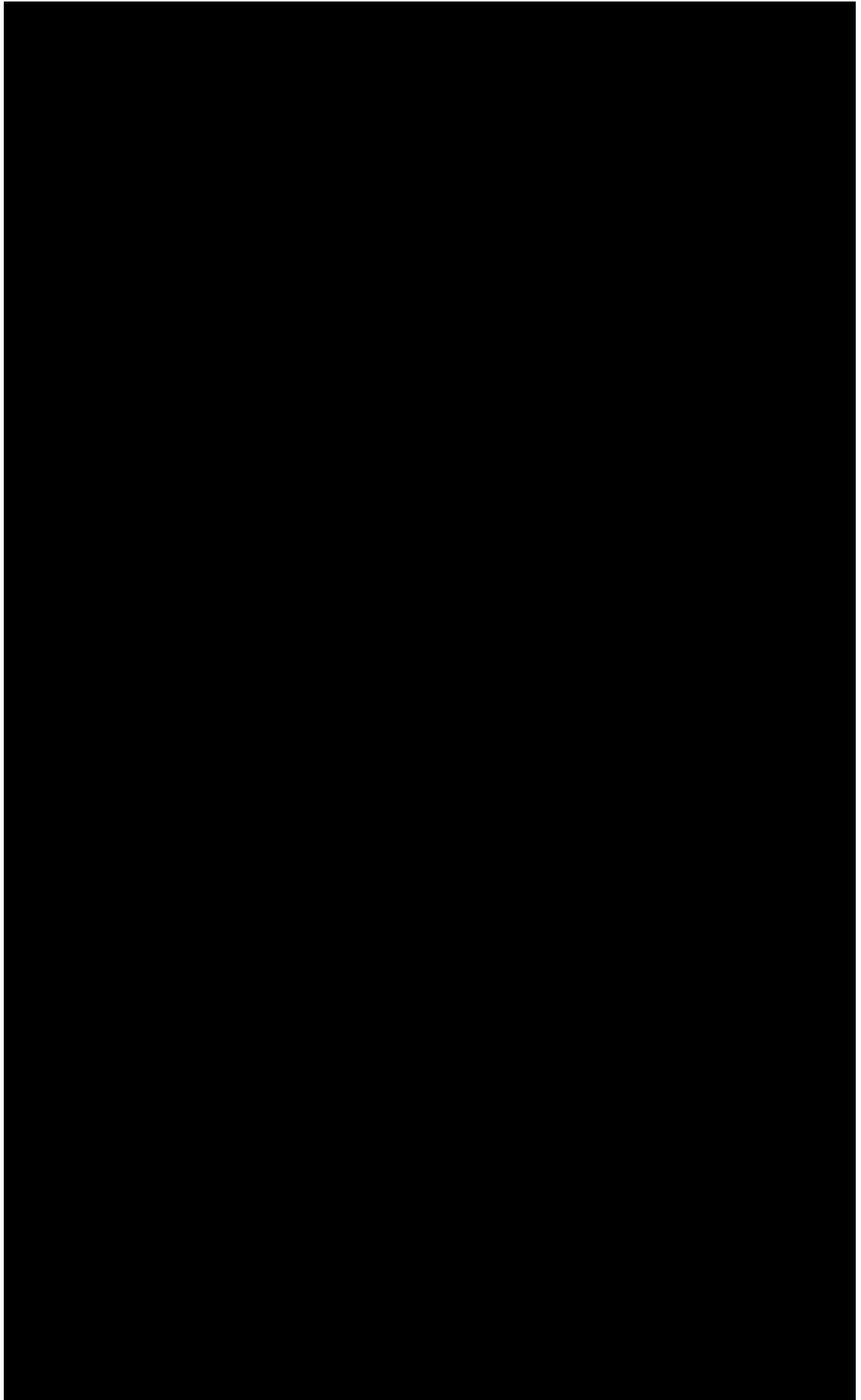
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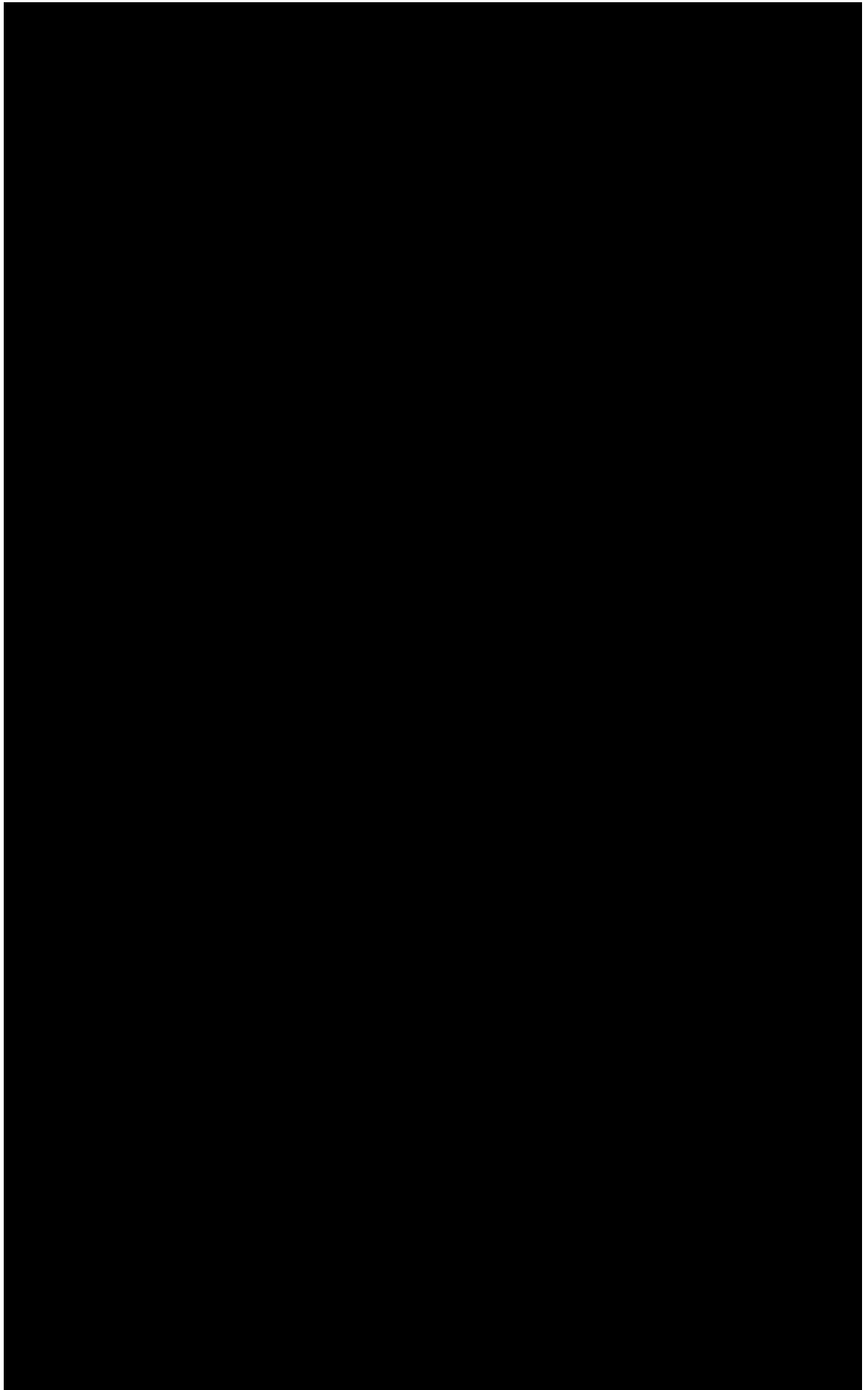
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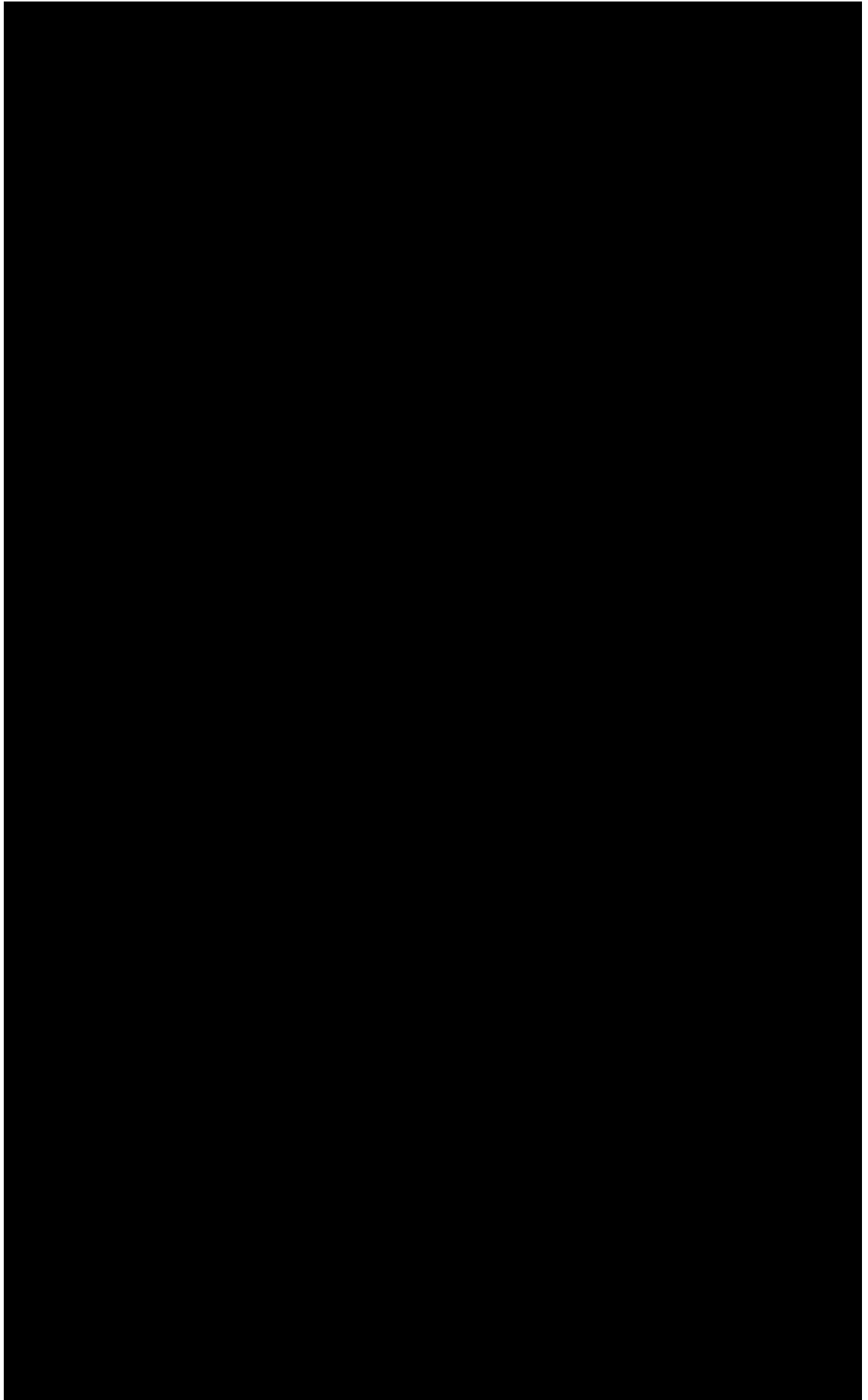
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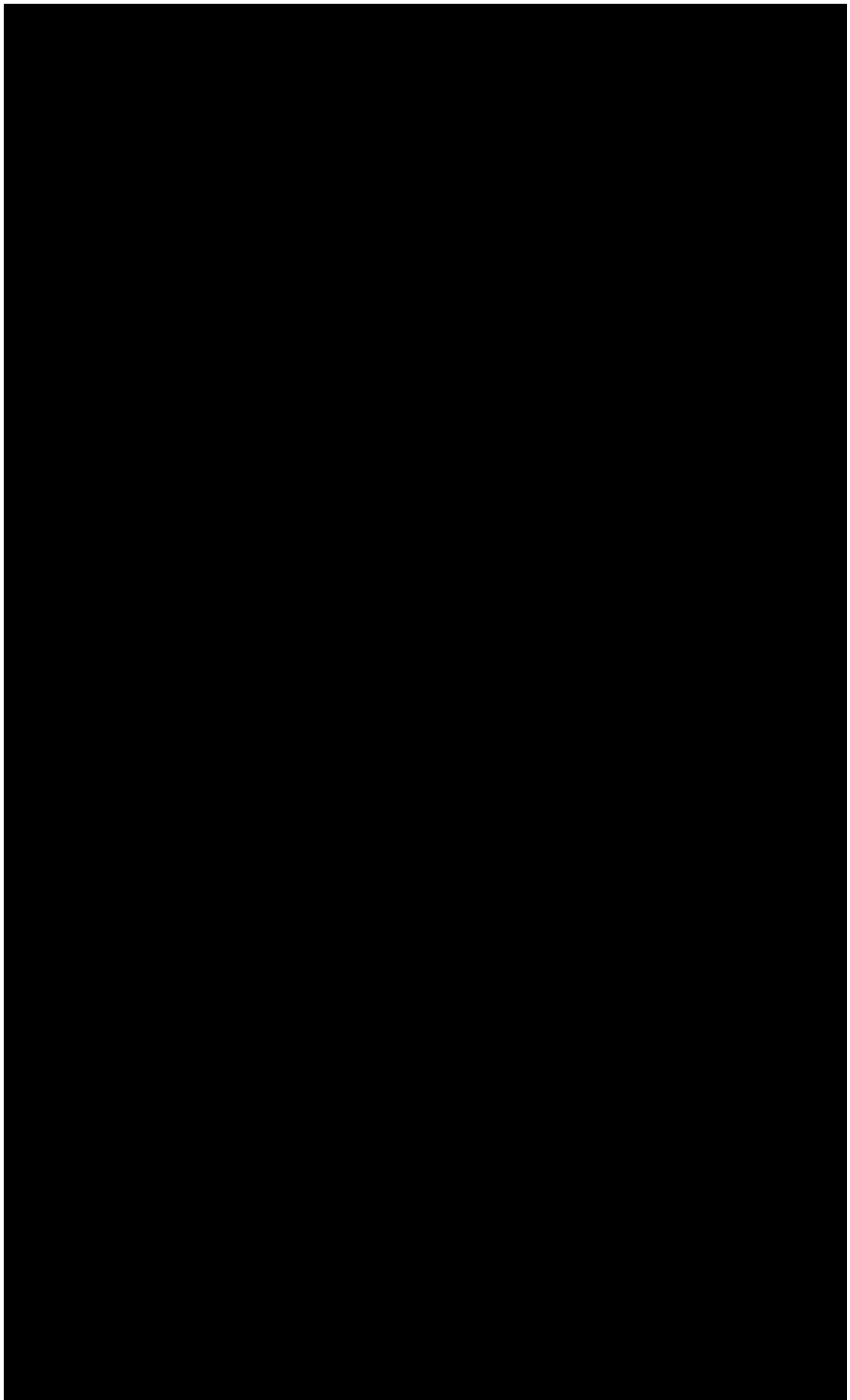
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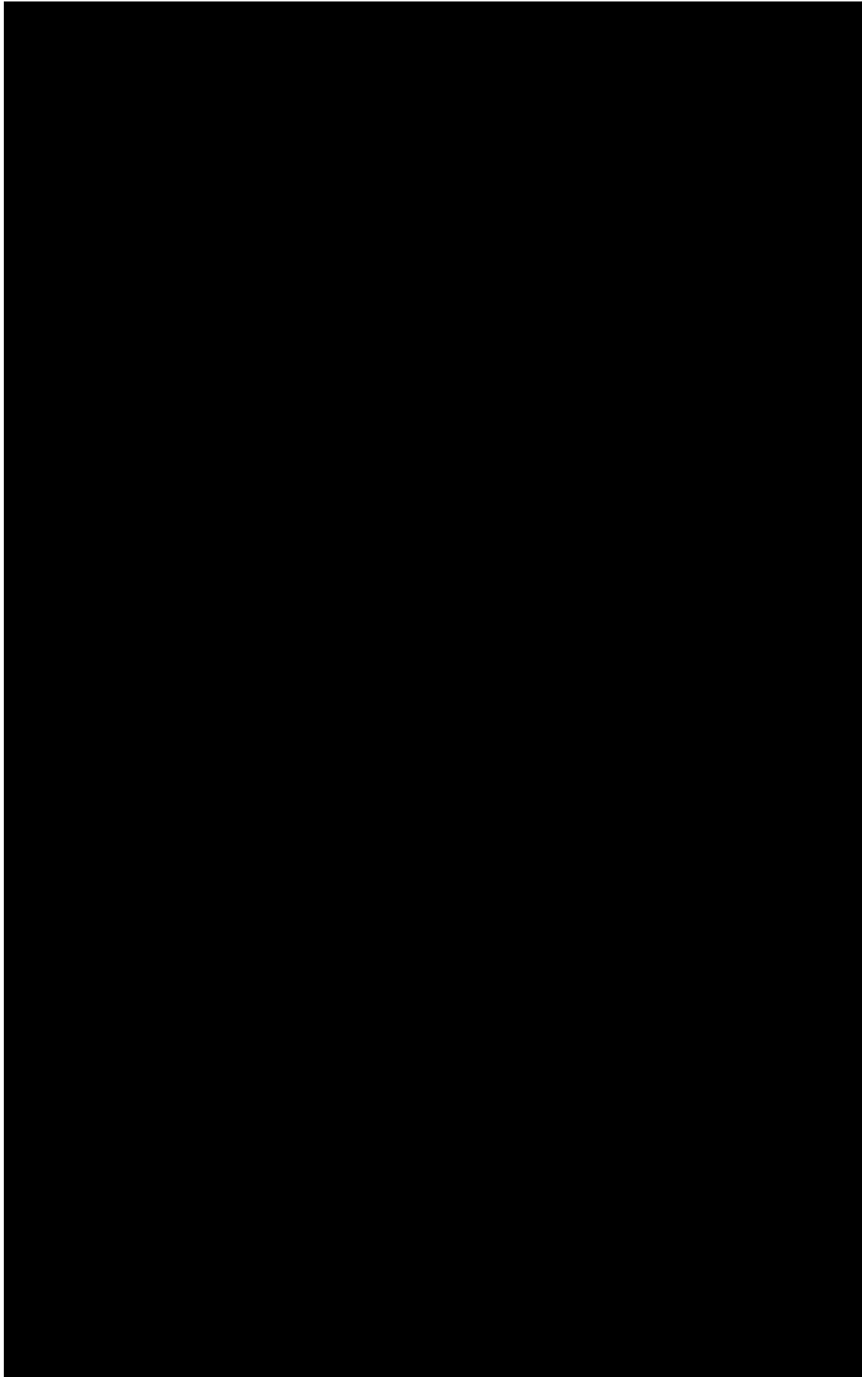
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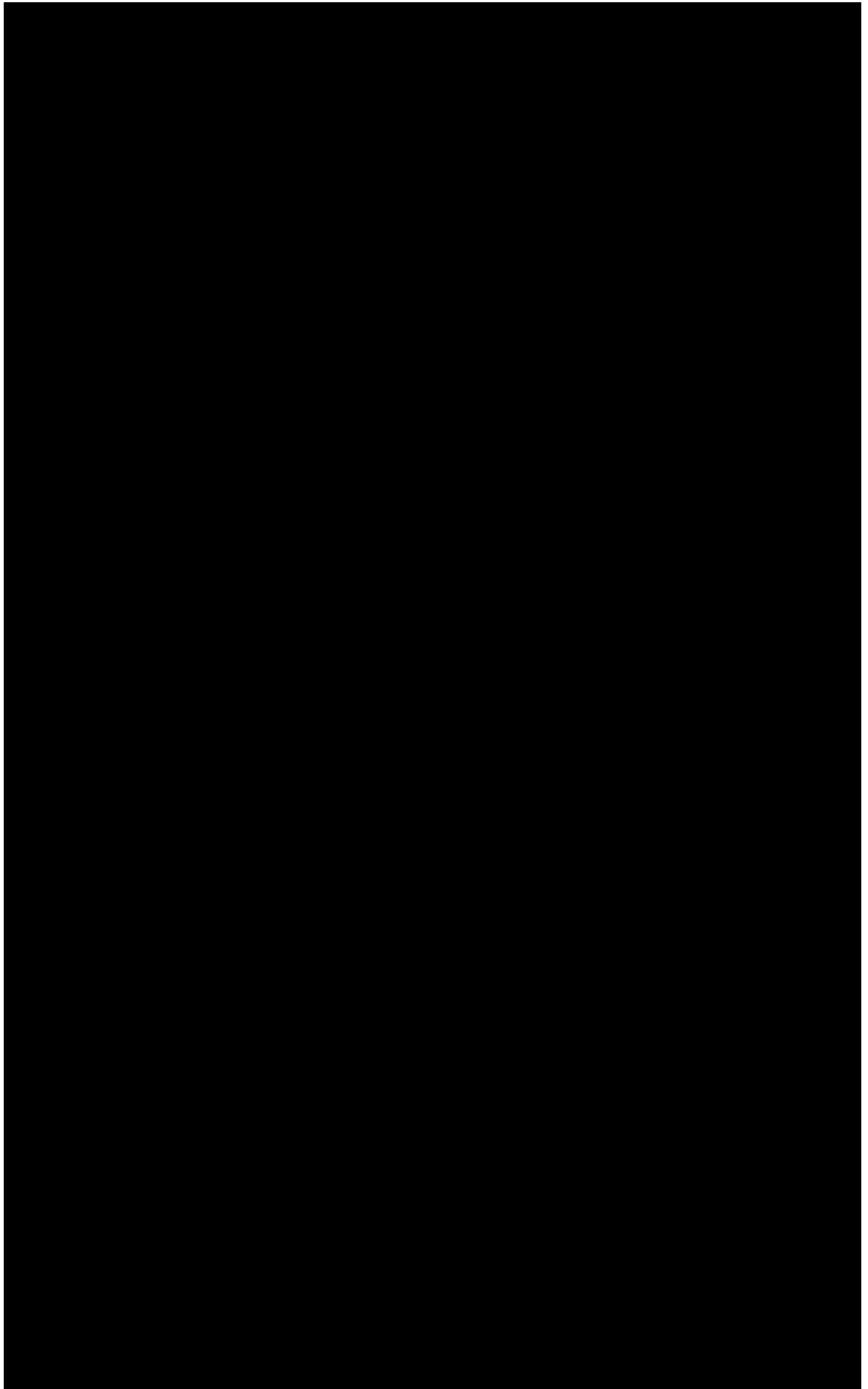
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MR. BAKER: Okay. I've been going about an hour and a half myself. And I have not taken a break. So I'm going to take about a five-minute break.

THE VIDEOGRAPHER: We're going off the record. The time is 10:09.

(Short break.)

THE VIDEOGRAPHER: We are going back on record. Beginning of Media File 3. The time is 10:20.

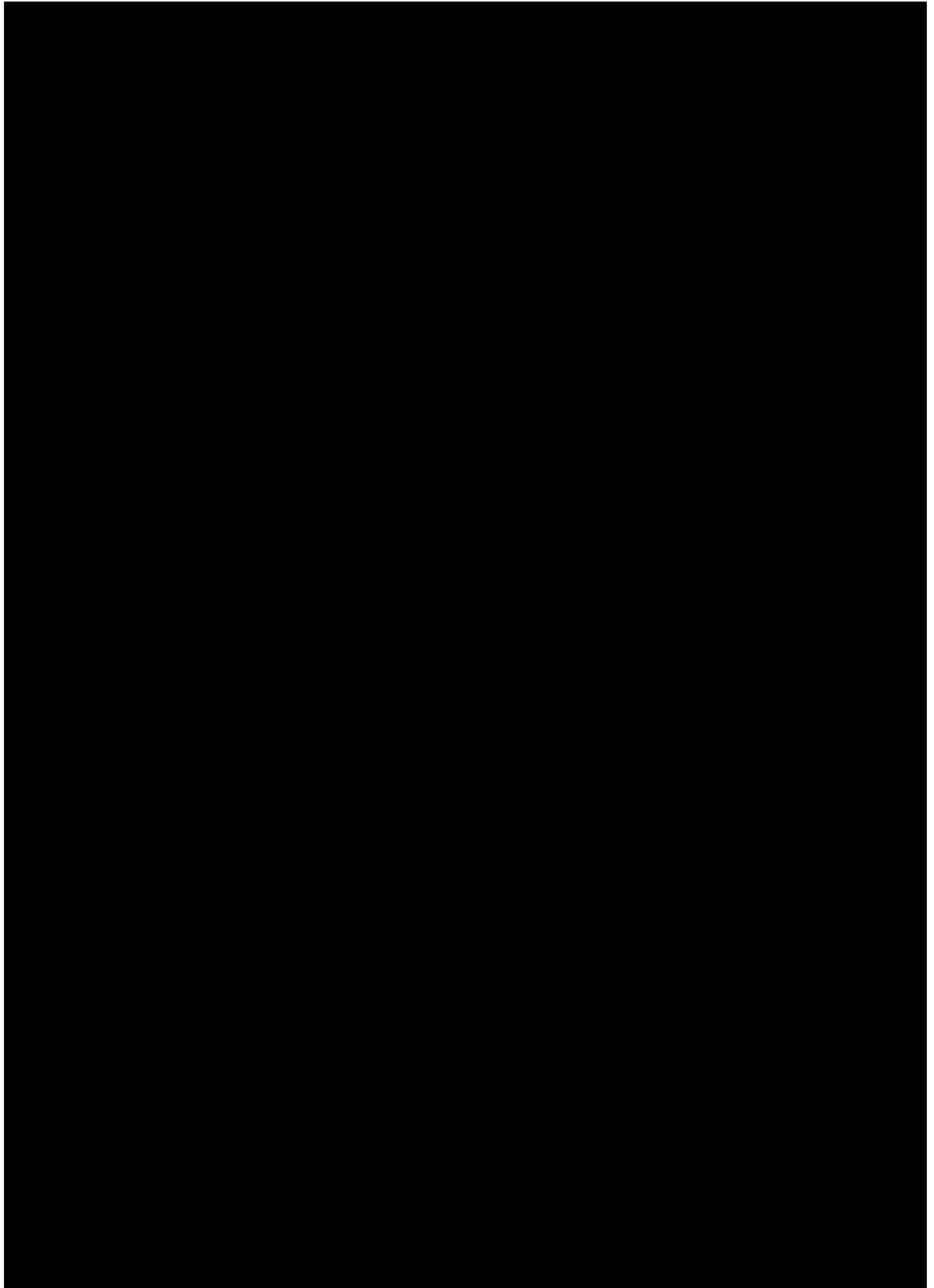
BY MR. BAKER:

Q. Okay. We're back on the record looking at Exhibit Number 87, which was the --

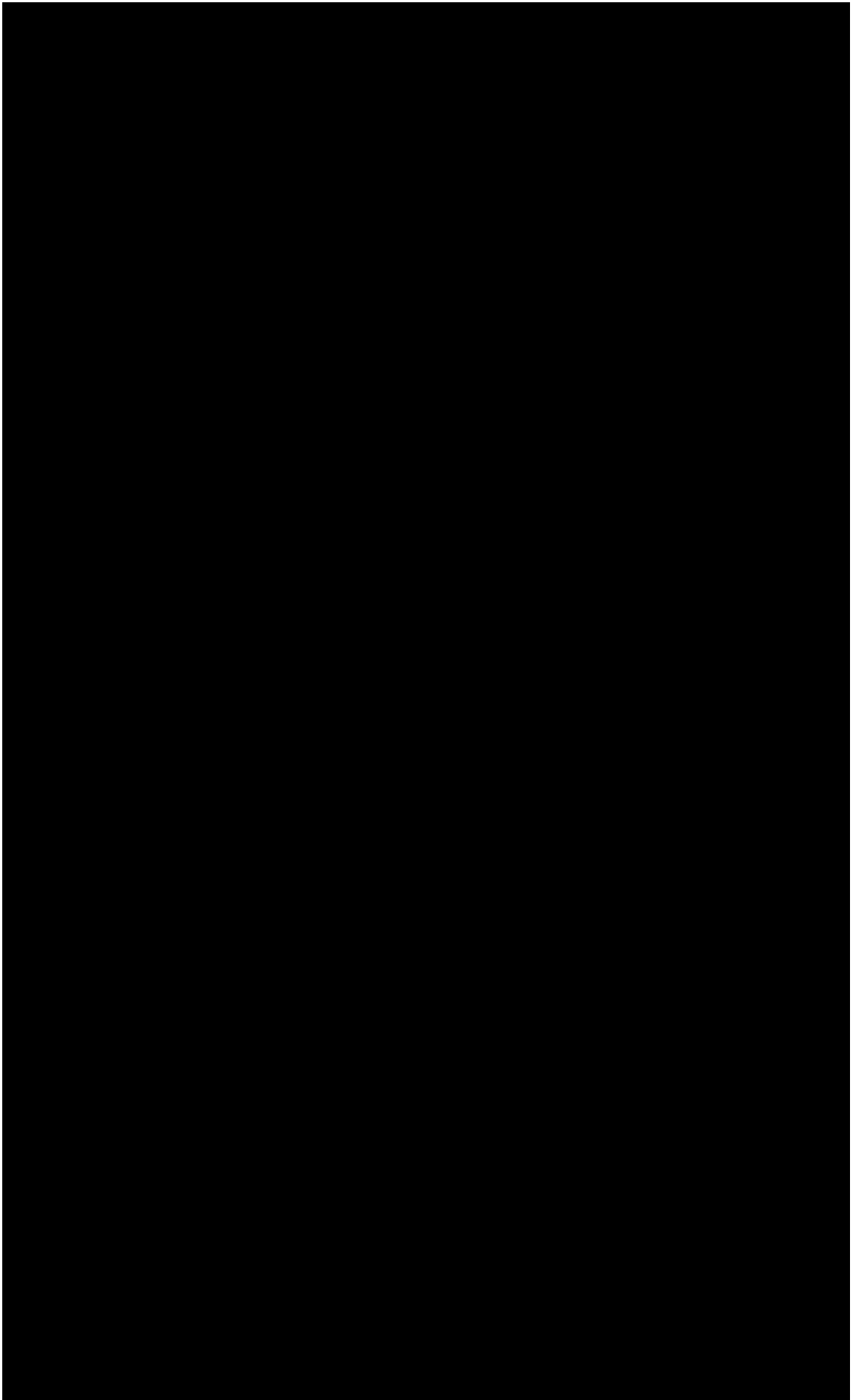
1 MS. MILLER: Bill, you mean
2 97?

3 BY MR. BAKER:

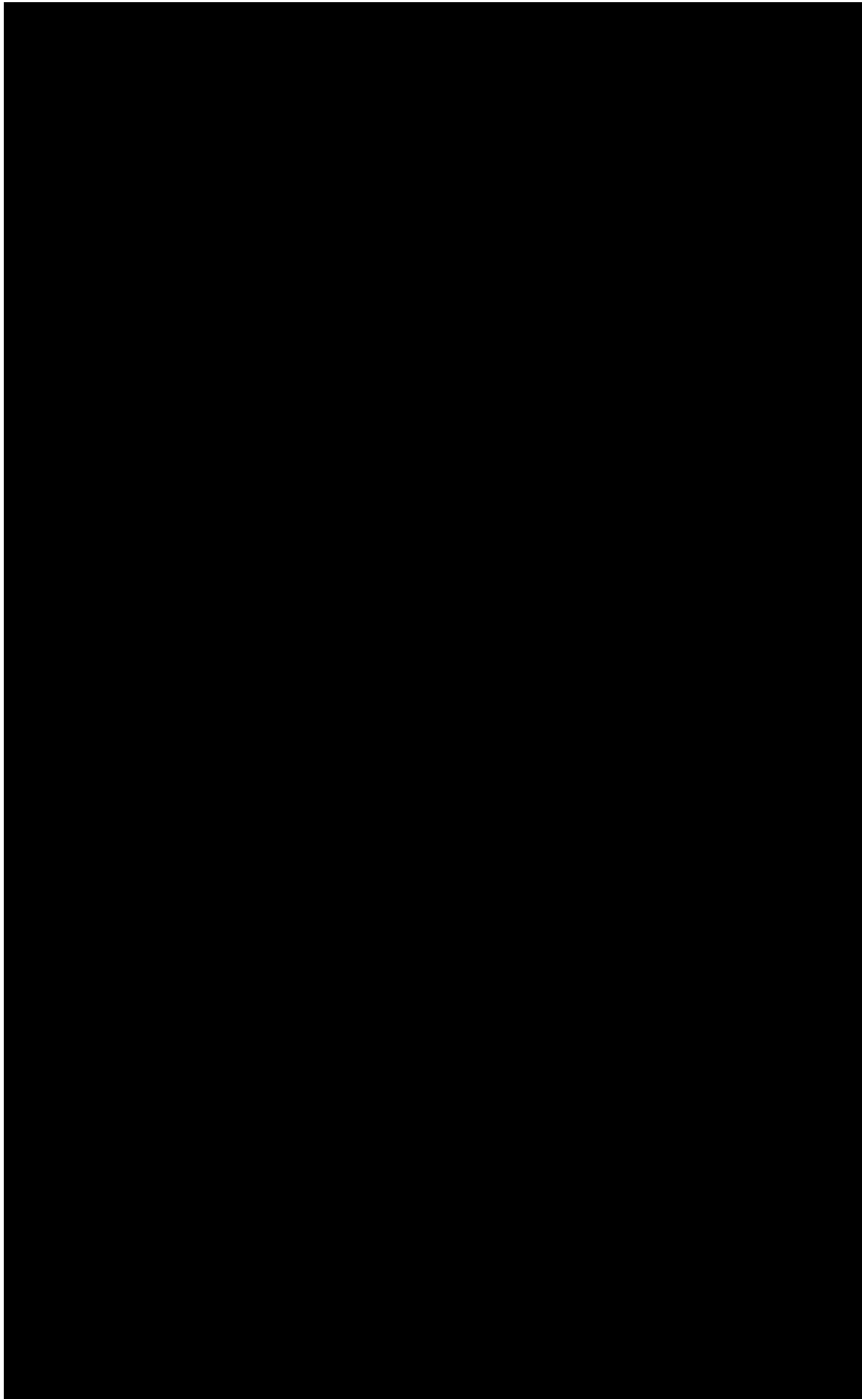
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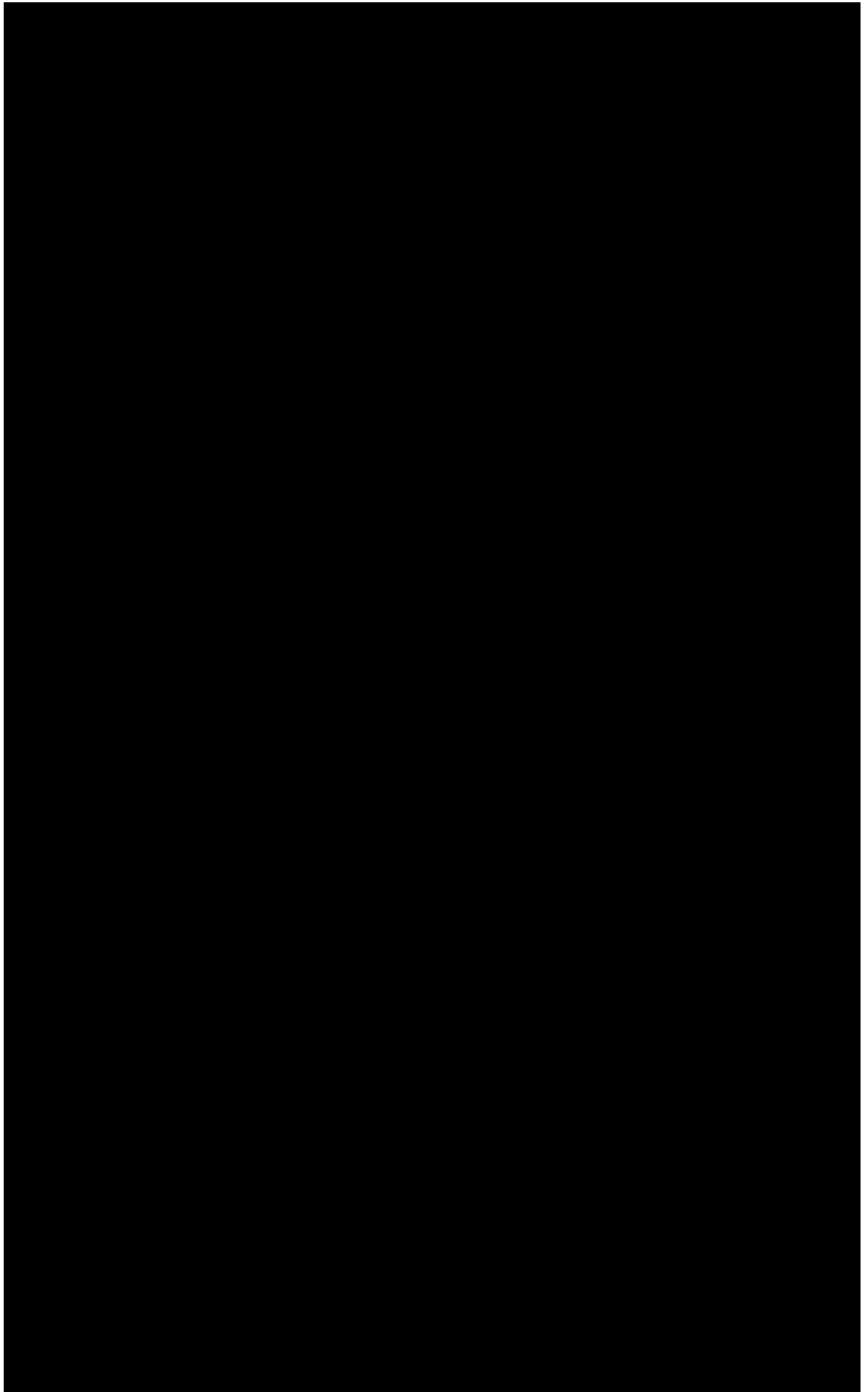
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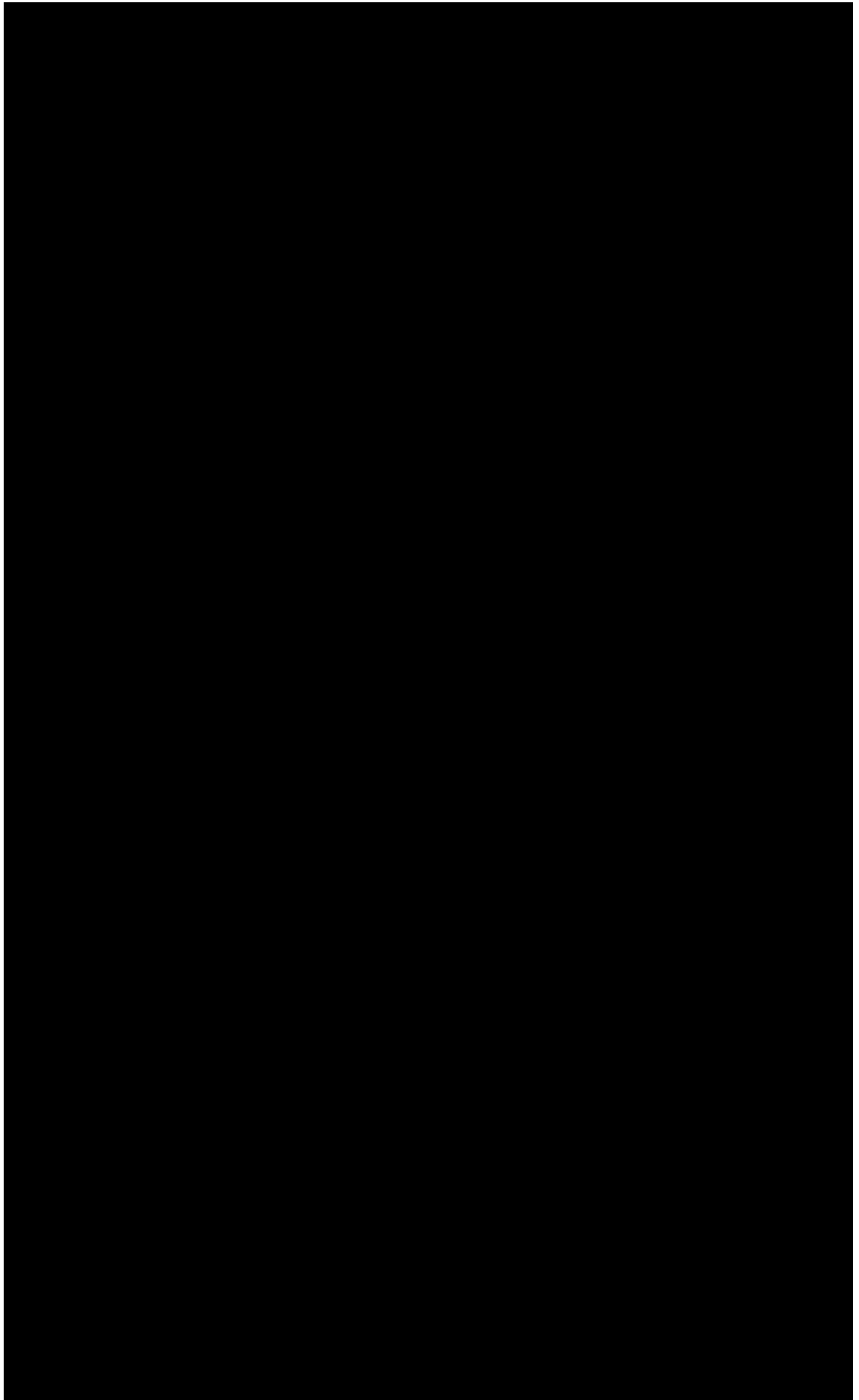
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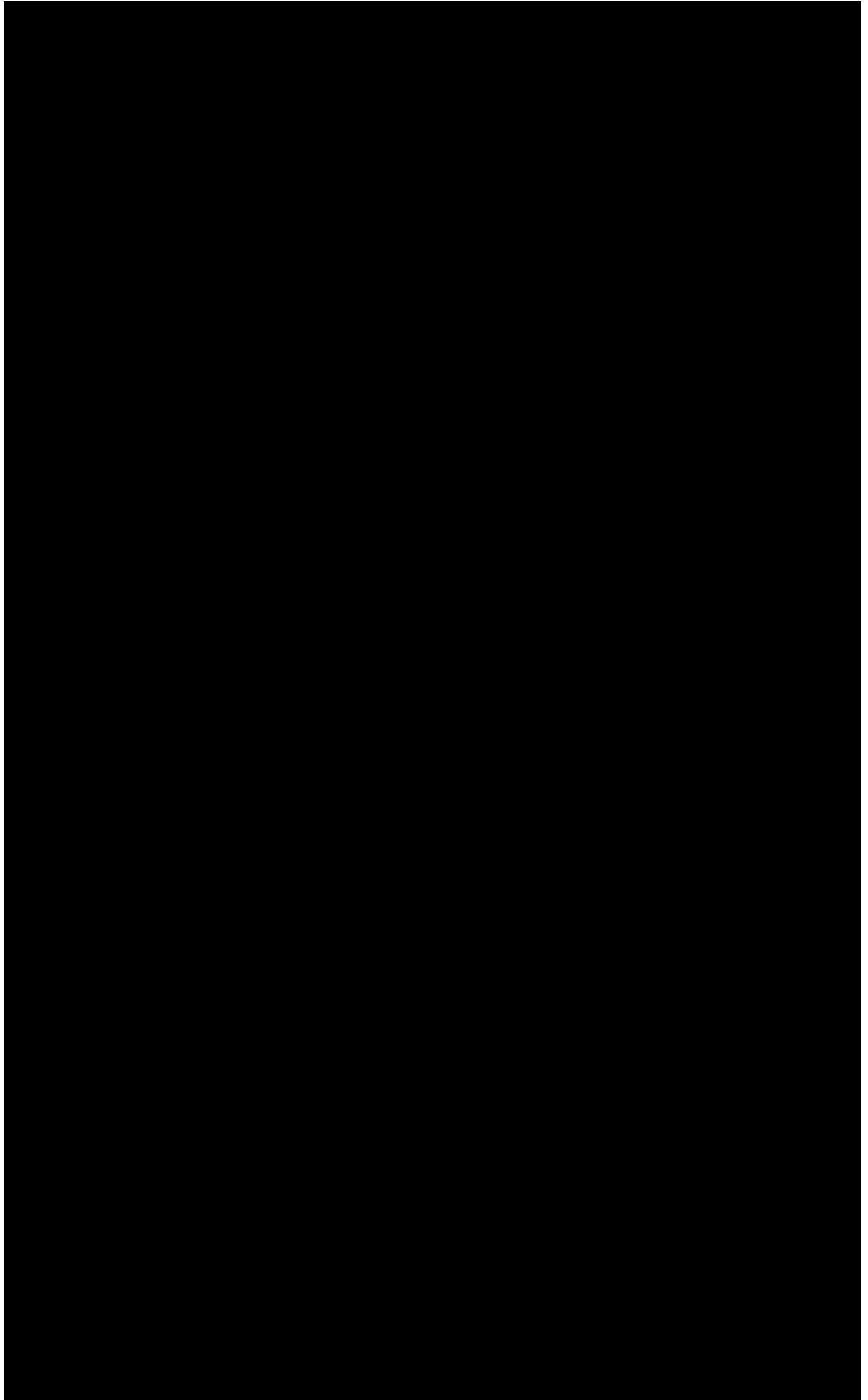
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5 BY MR. BAKER:

6 Q. Okay. You know hydrocodone
7 combination products are narcotics. I
8 showed you the drug fact sheets on that,
9 correct?

10 MS. MILLER: Objection.

11 BY MR. BAKER:

12 Q. You know that, don't you?

13 MS. MILLER: Objection.

14 THE WITNESS: After reading
15 the -- you know, according to that
16 fact sheet, that's what it's
17 classified as.

18 BY MR. BAKER:

19 Q. And you know they're
20 opioids, correct?

21 MS. MILLER: Objection.

22 THE WITNESS: I mean --

23 BY MR. BAKER:

24 Q. I mean, that's what it said.

1 You just read it.

2 MS. MILLER: Objection.

3 THE WITNESS: Well, again,
4 according to the sheet you sent
5 me, yes.

6 BY MR. BAKER:

7 Q. Well, listen, what color is
8 that pen right there?

9 MS. MILLER: Objection.

10 BY MR. BAKER:

11 Q. What color is it?

12 MS. MILLER: Objection.

13 THE WITNESS: You're not
14 going to buy this, but I am
15 color-blind.

16 BY MR. BAKER:

17 Q. Okay. Well, what's in this
18 glass right here?

19 MS. MILLER: Objection.

20 BY MR. BAKER:

21 Q. Does it look like water?

22 MS. MILLER: Mr. Baker.

23 BY MR. BAKER:

24 Q. See, I want to ask direct

1 questions and get direct answers. But
2 every time I ask you a question, you kind
3 of, well, I don't remember, this, that.
4 I just want to know what the facts are.
5 Okay. And I don't want to dance around
6 with you with questions and answers. I
7 just want to know the facts. Okay. And
8 I'm not trying to ask you trick
9 questions.

10 So if you can answer my
11 questions directly, we can get through
12 this much smoother than what you're
13 allowing. Okay?

14 MS. MILLER: Bill, he's
15 answering your questions.

16 BY MR. BAKER:

17 Q. So let me -- let me repeat
18 the question. Let's go back.

19 A. My -- my intention is to
20 answer your question, sir.

21 Q. Okay. You know, you know
22 that hydrocodone combination products are
23 opioids, correct?

24 MS. MILLER: Objection.

1 Asked and answered.

2 THE WITNESS: According to
3 the sheet you provided me, that's
4 what it states.

5 BY MR. BAKER:

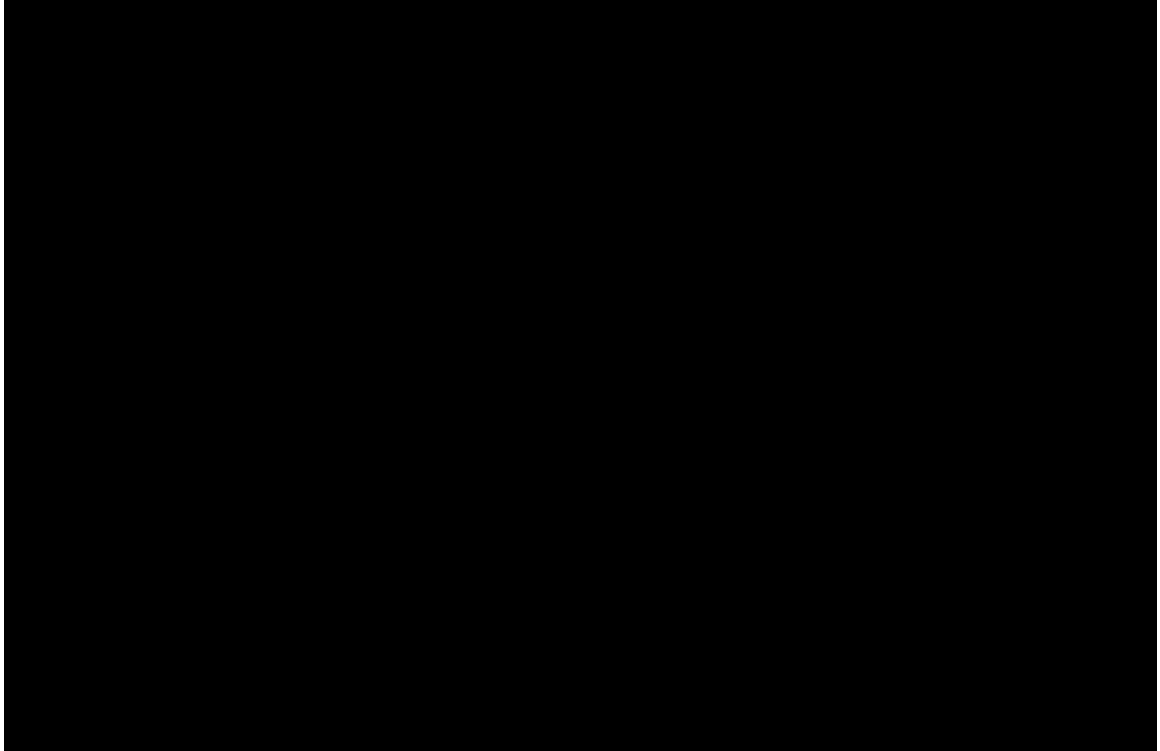
6 Q. Okay. Did you know that a
7 hydrocodone combination product was an
8 opioid when you worked at CVS?

9 A. I -- as I previously
10 testified, I would refer to it as a
11 control drug.

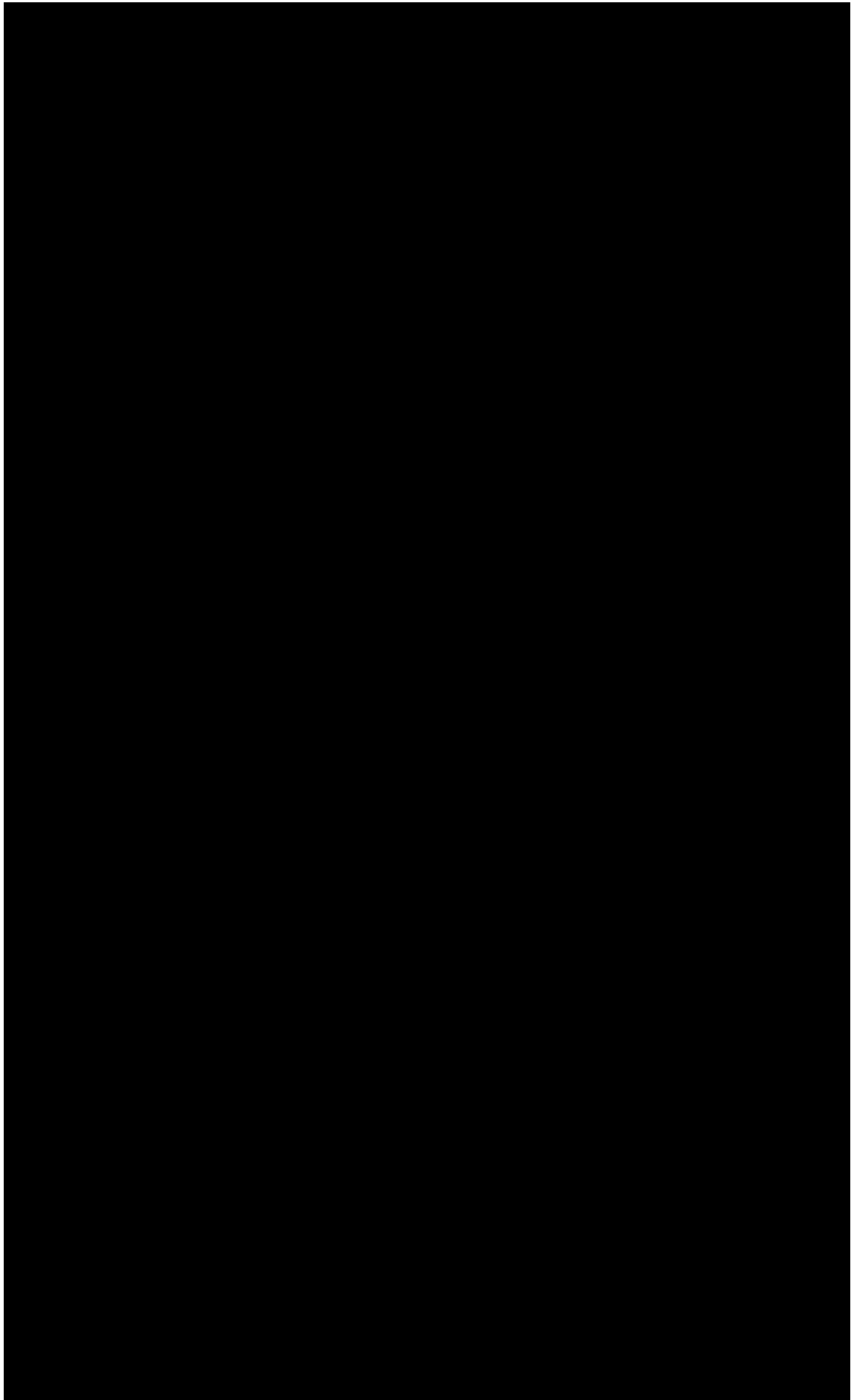
12 Q. Okay. Did you know it was
13 an opioid?

14 A. No.

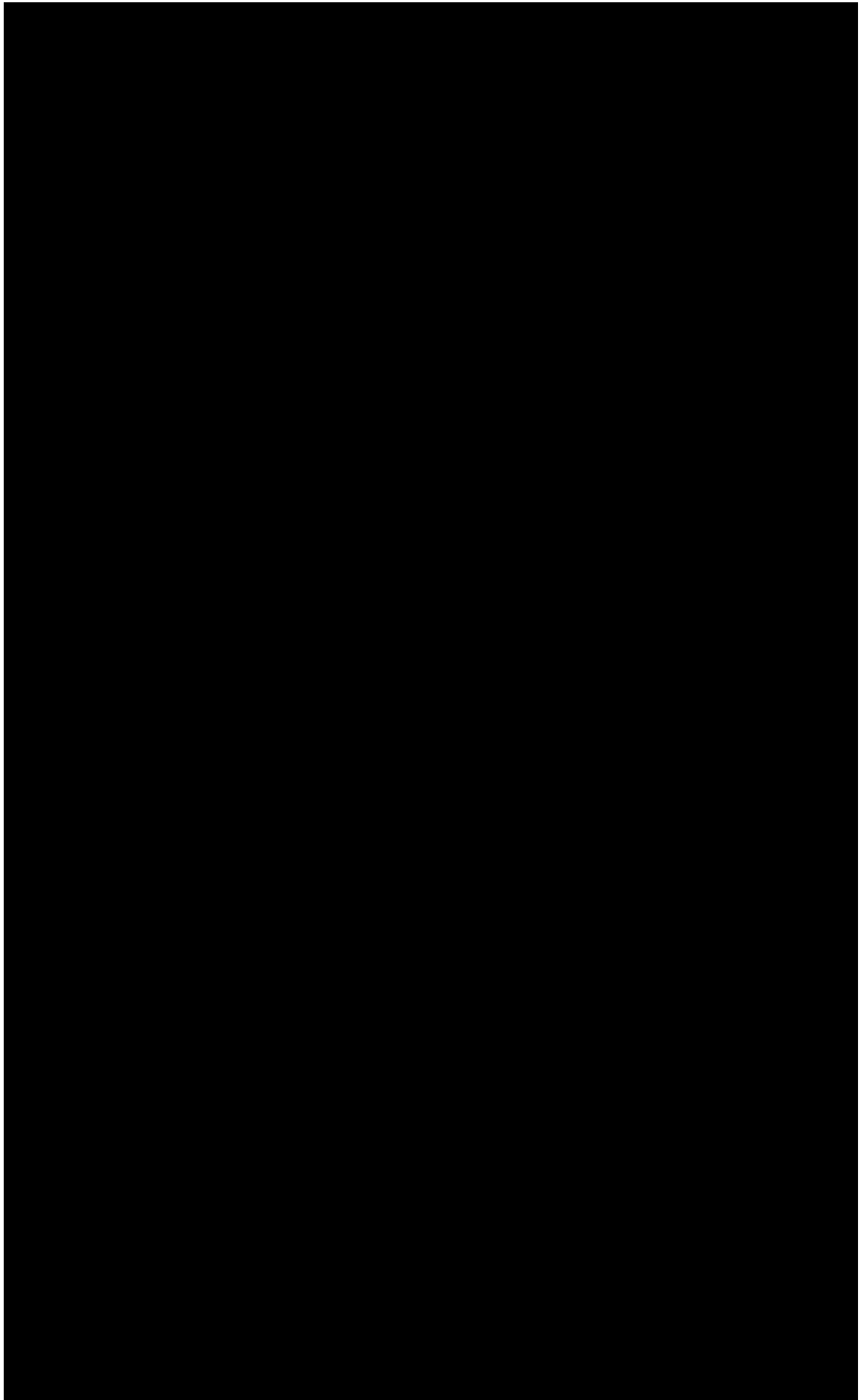
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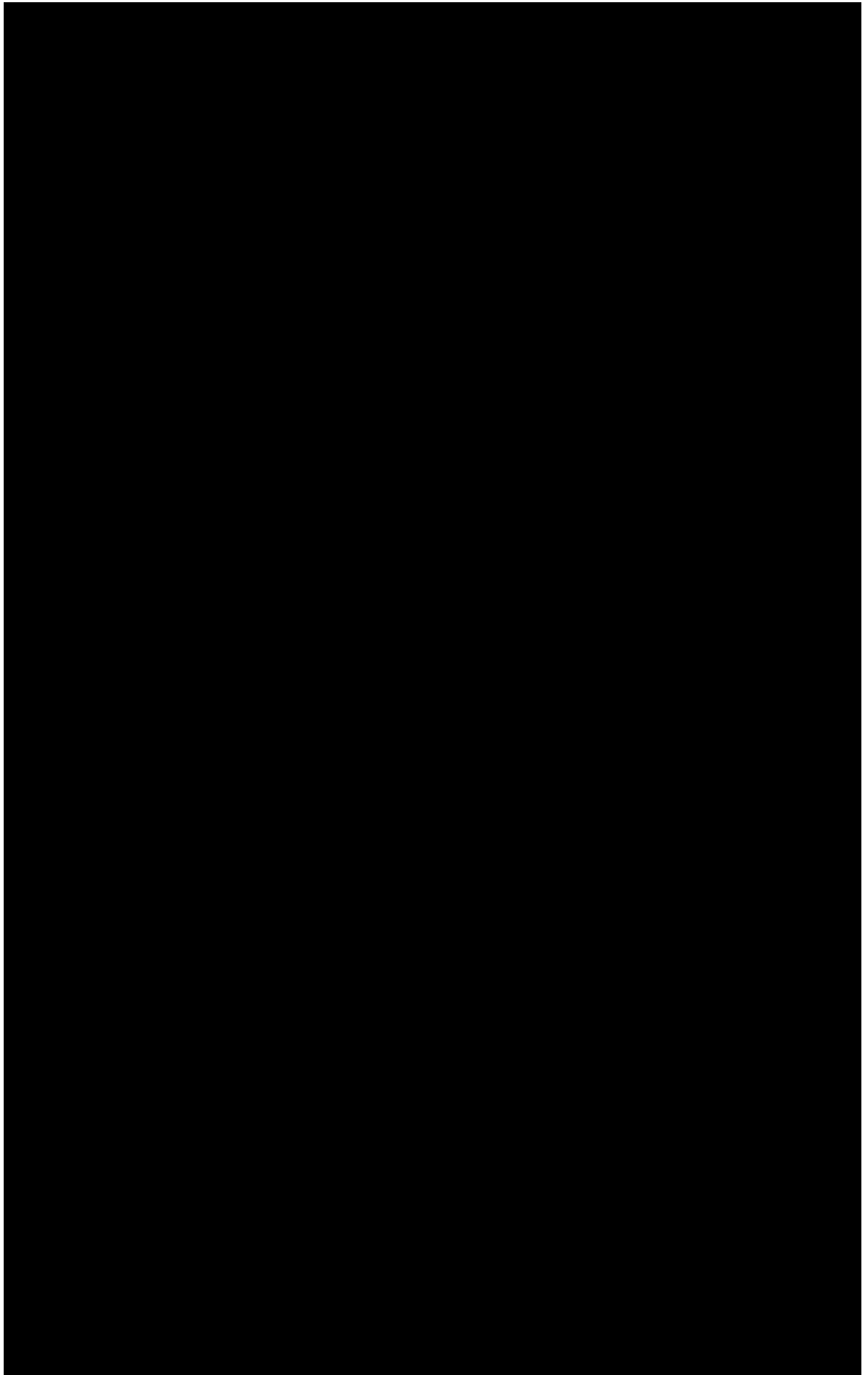
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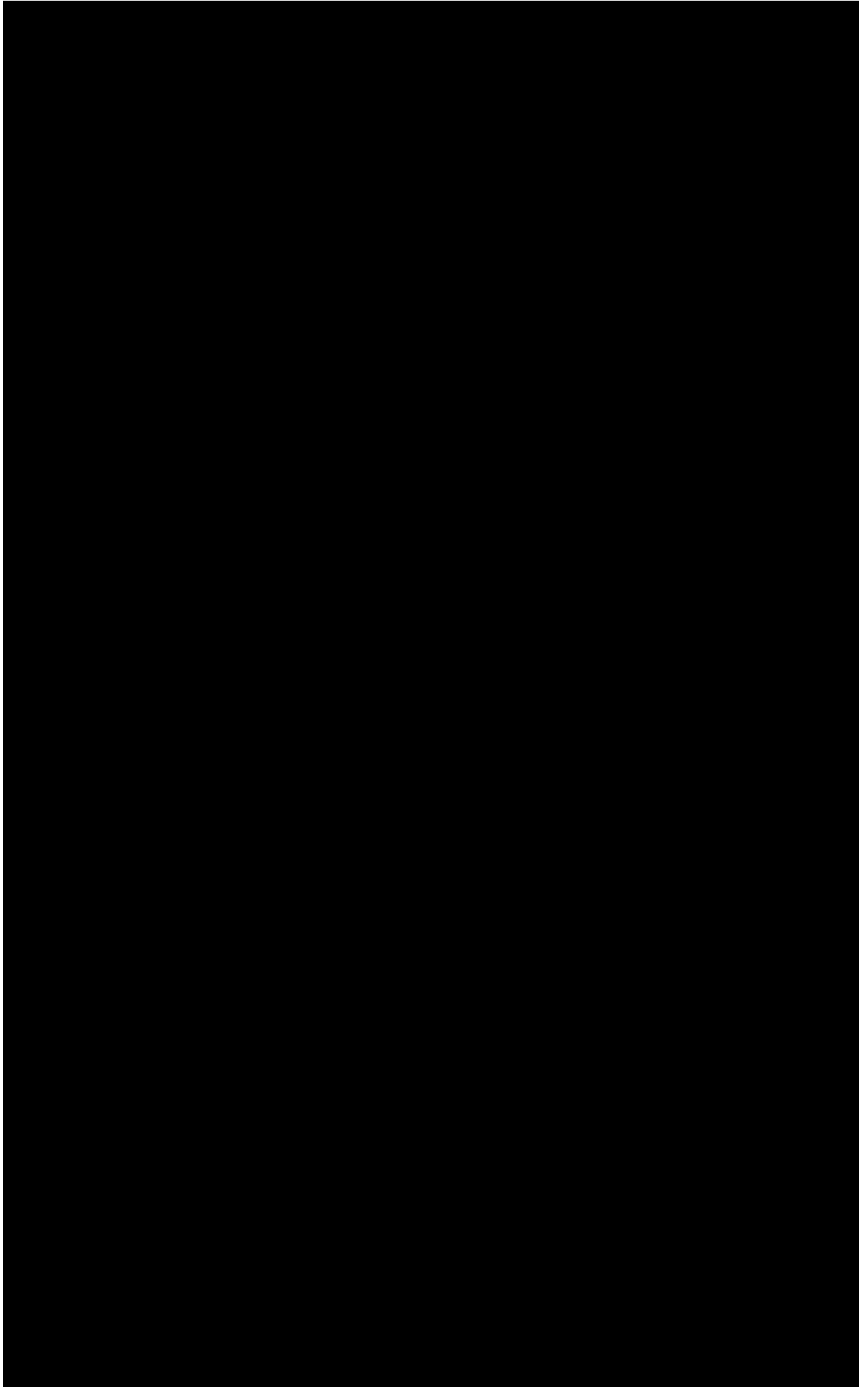
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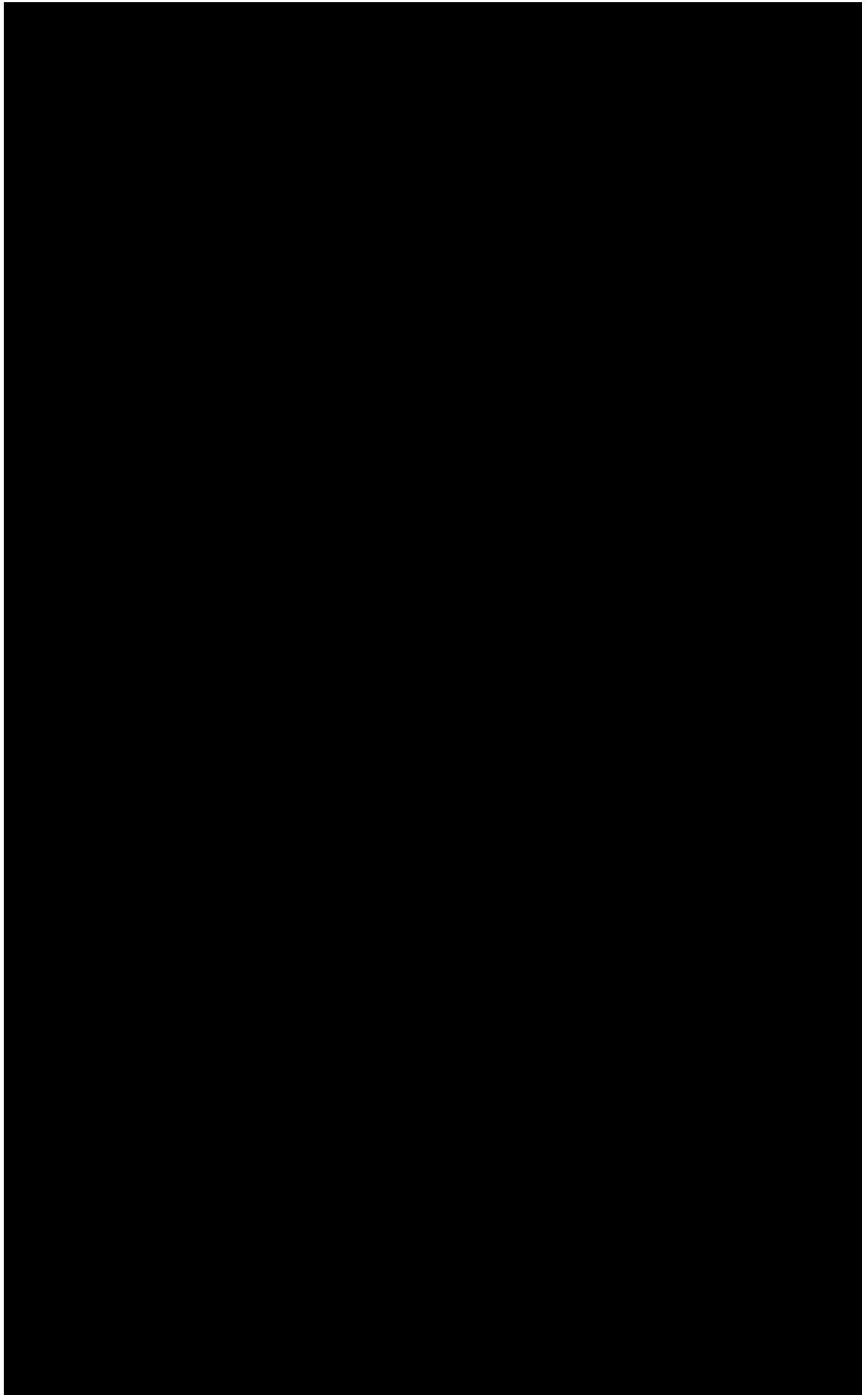
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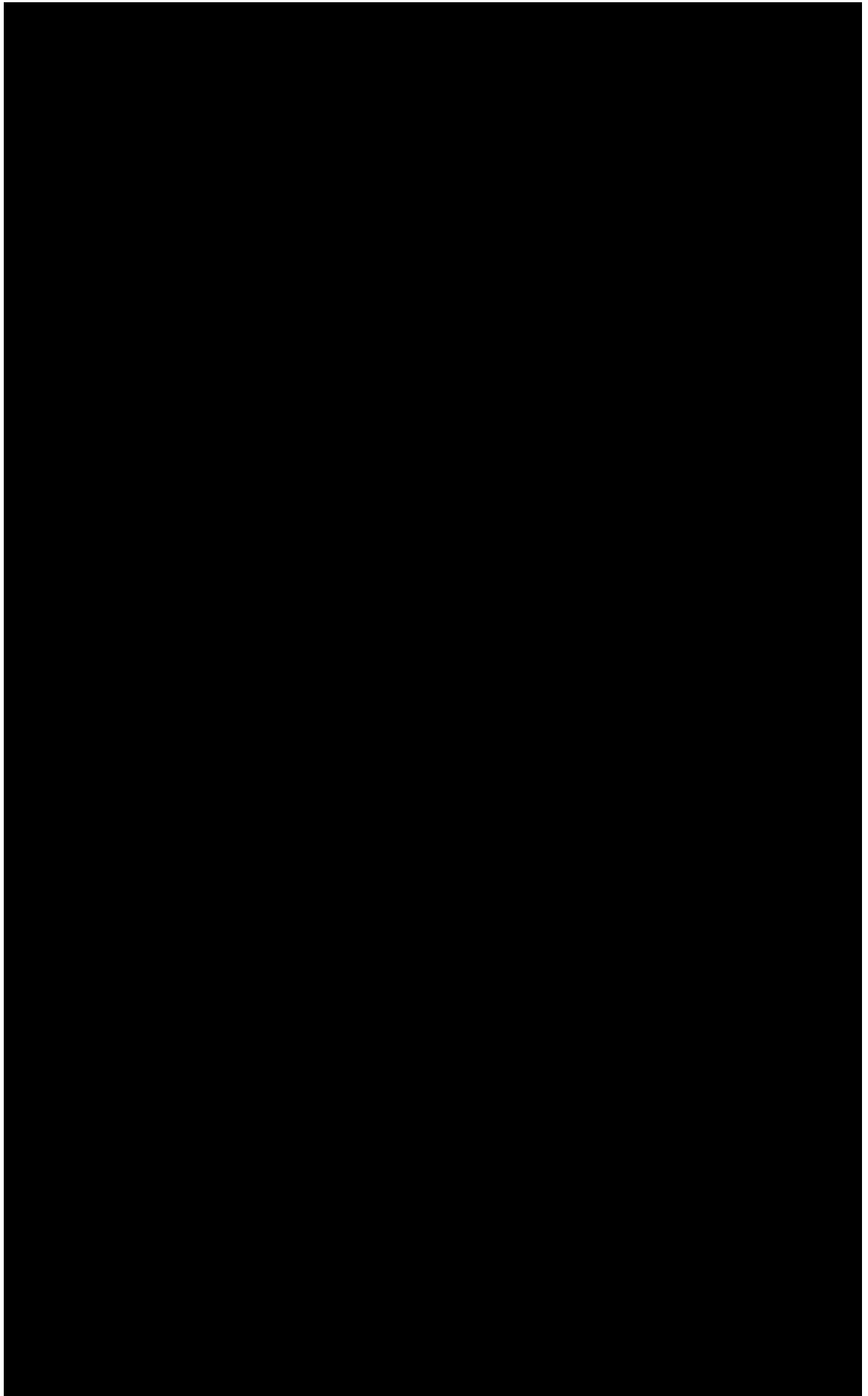
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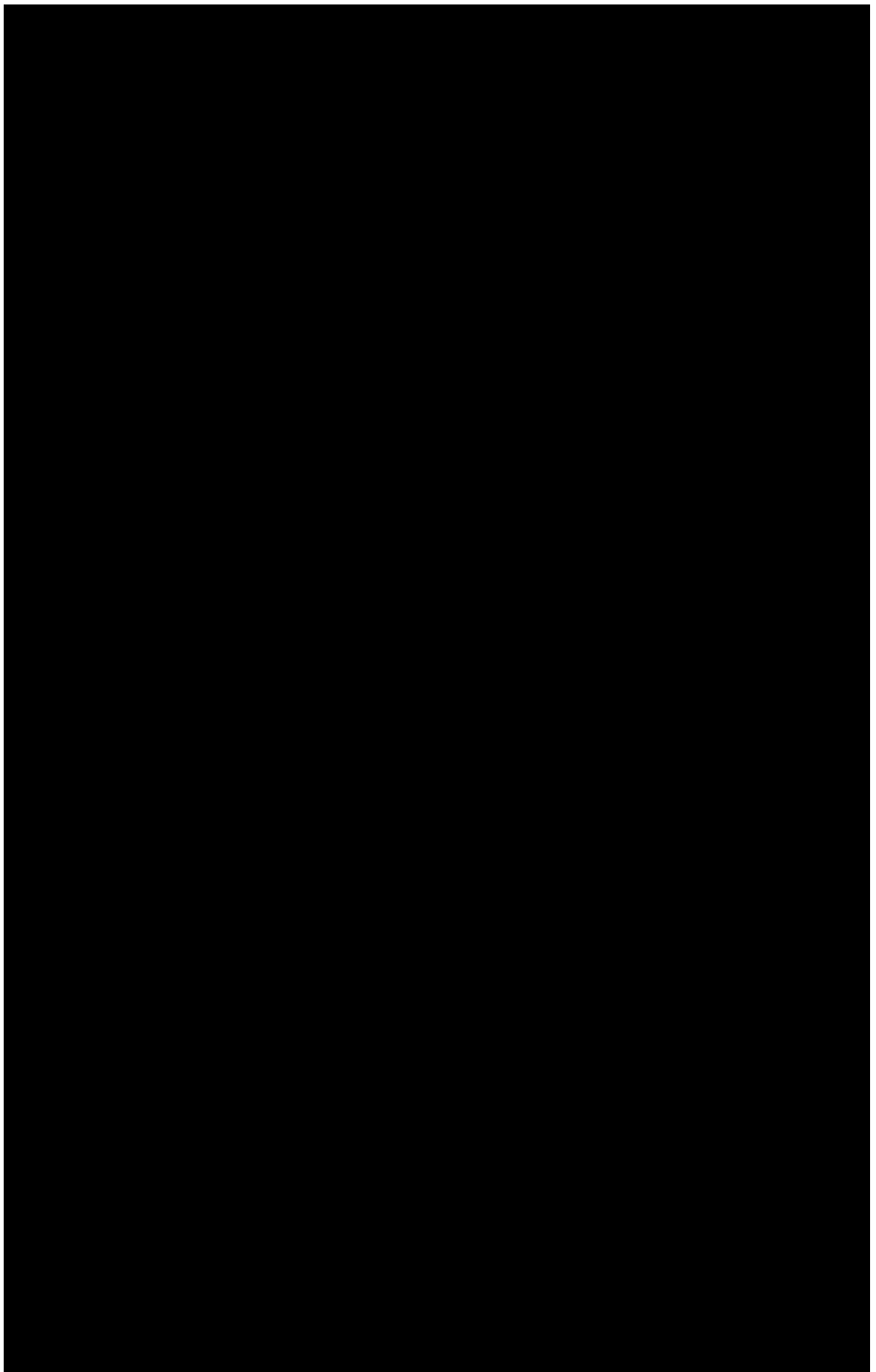
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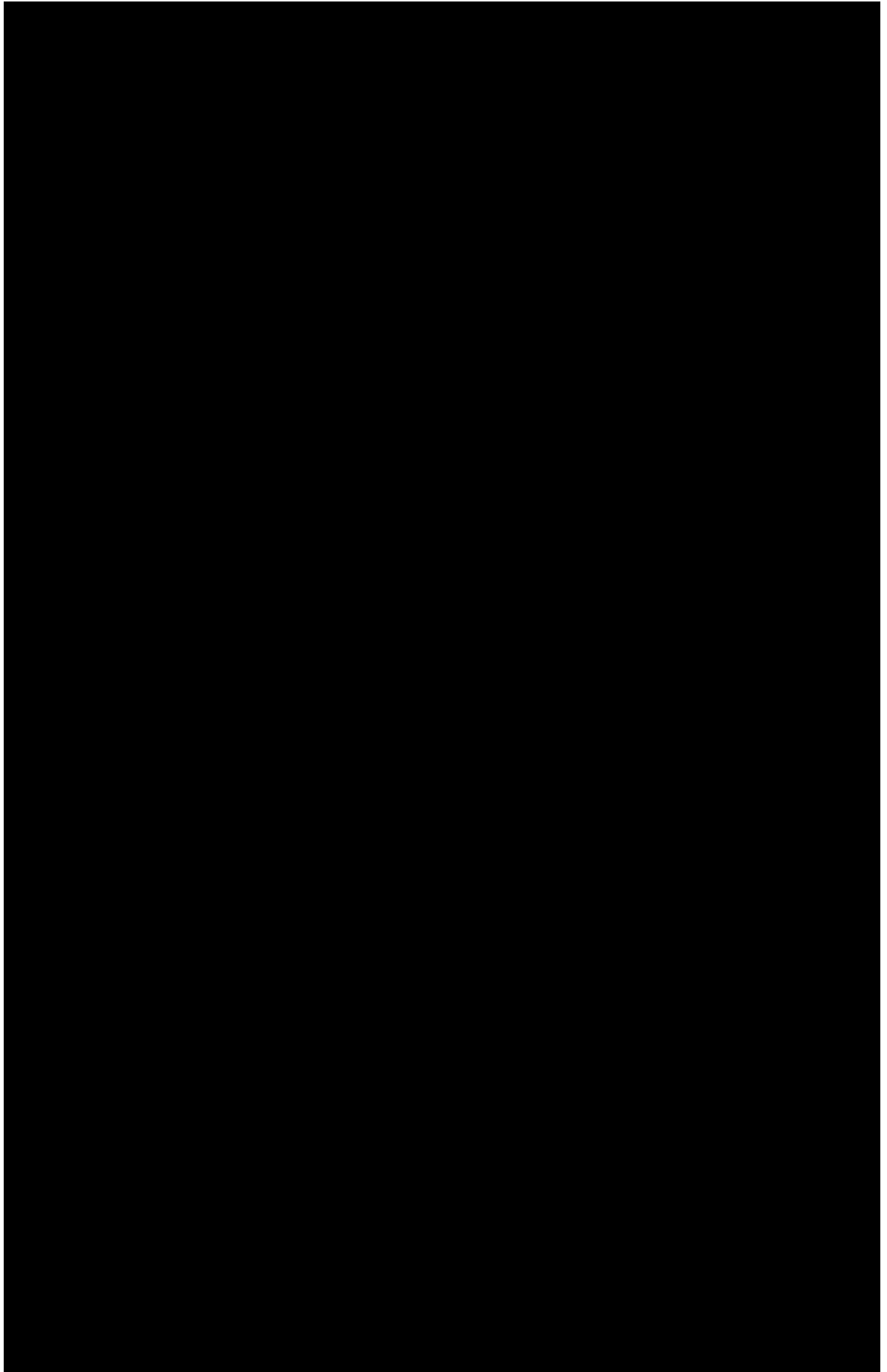
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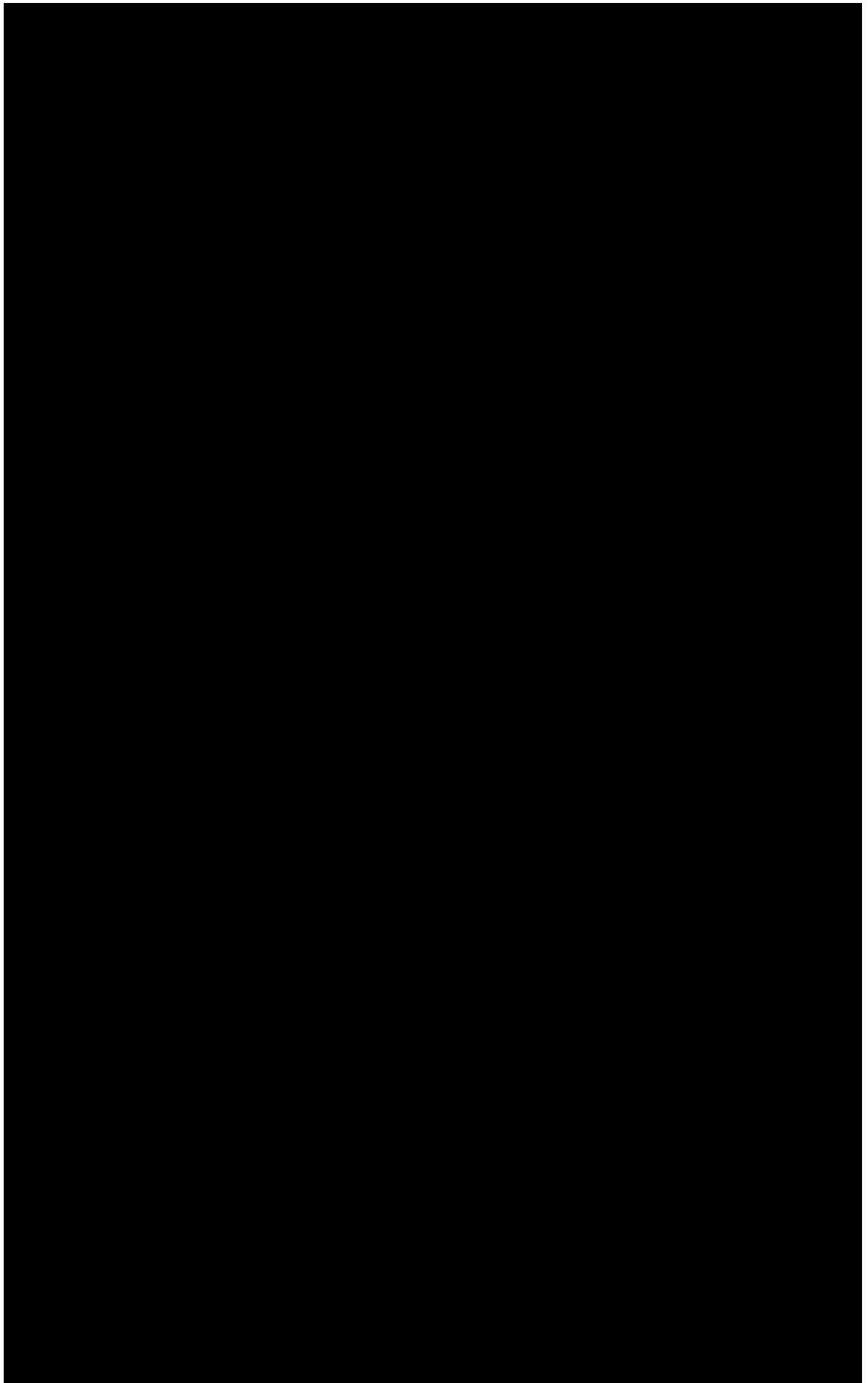
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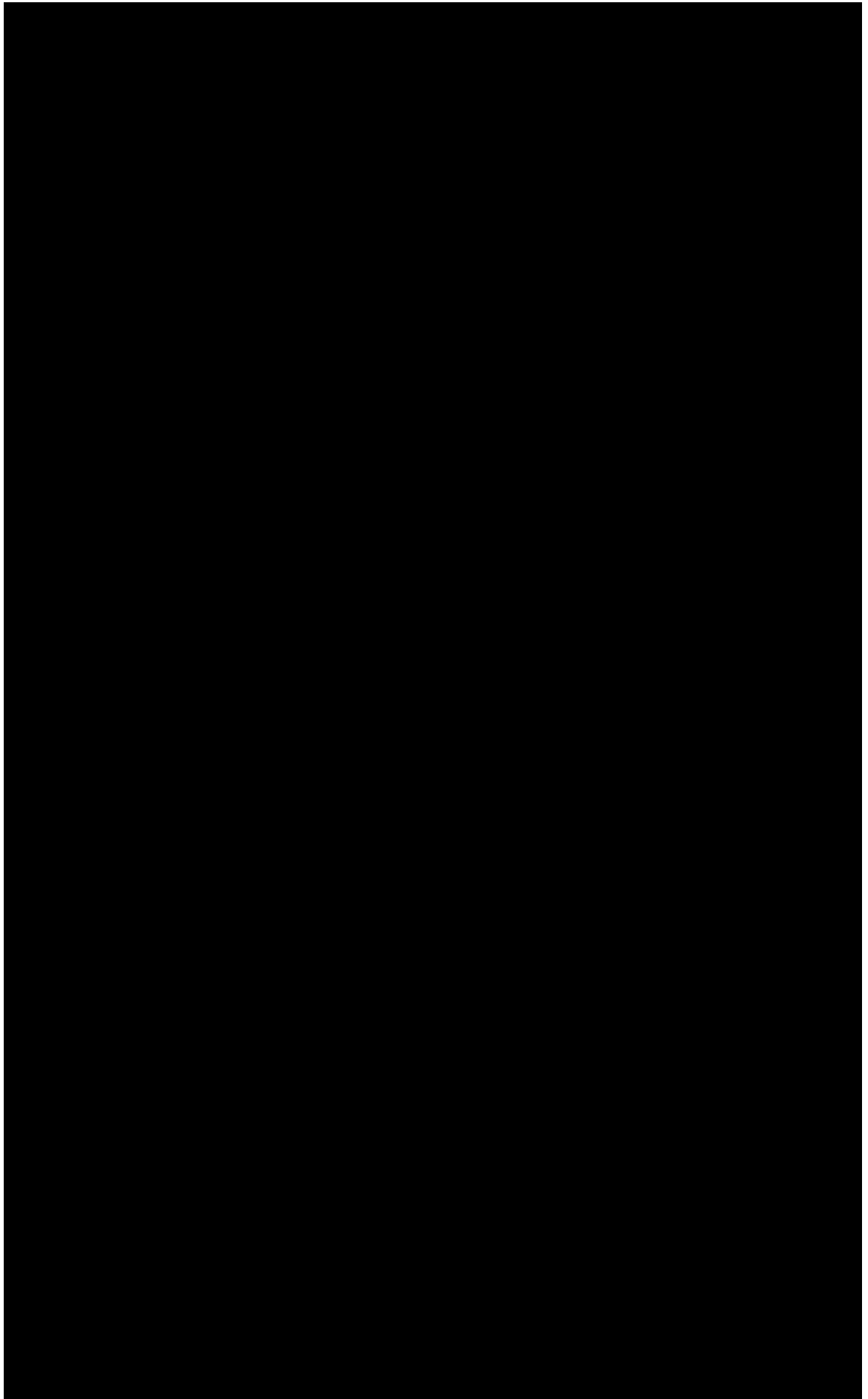
[REDACTED]

Q. It says, "Responsibilities.
DC Rx." What is a DC Rx?

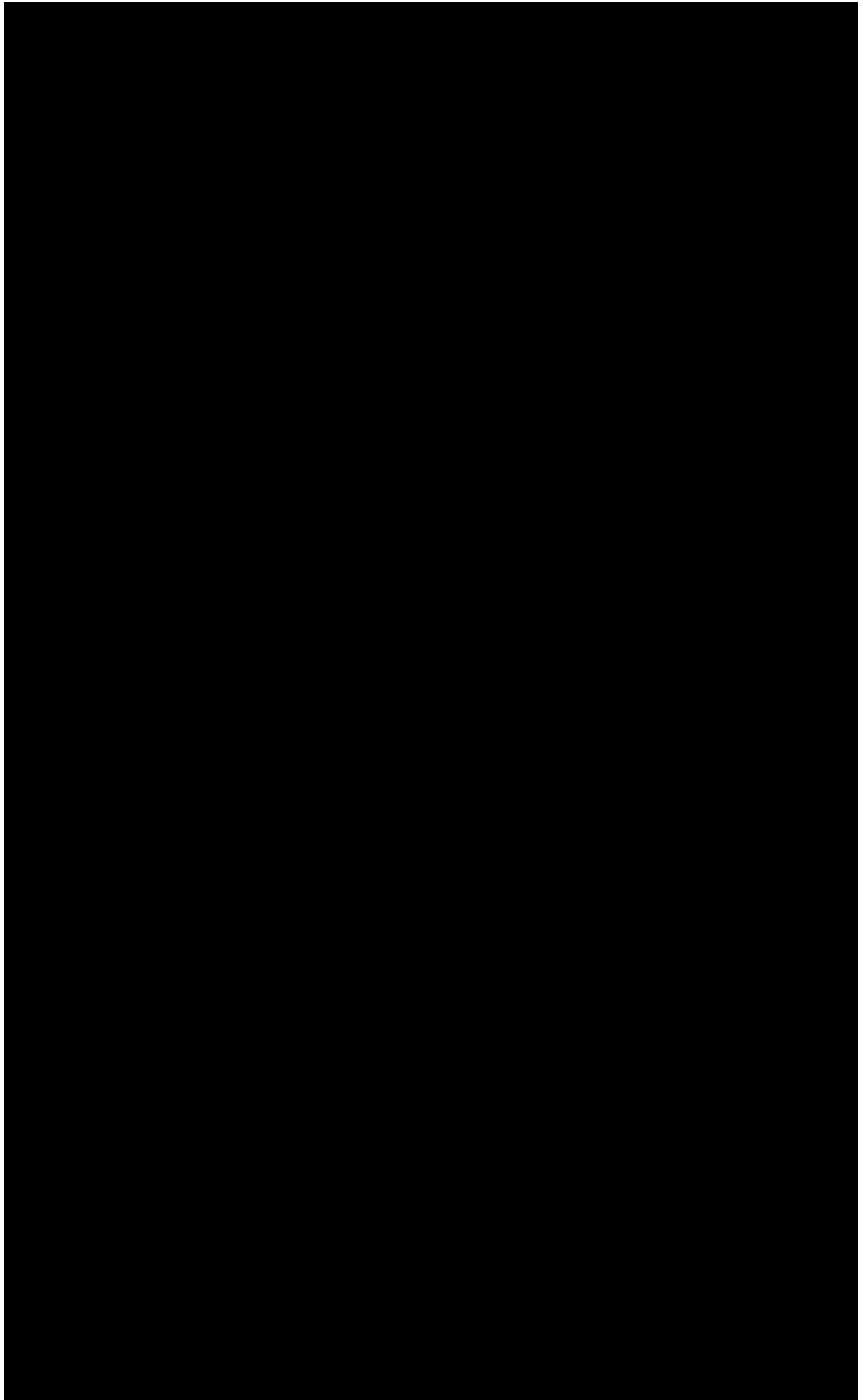
A. I believe that would be DC
pharmacy.

[REDACTED]

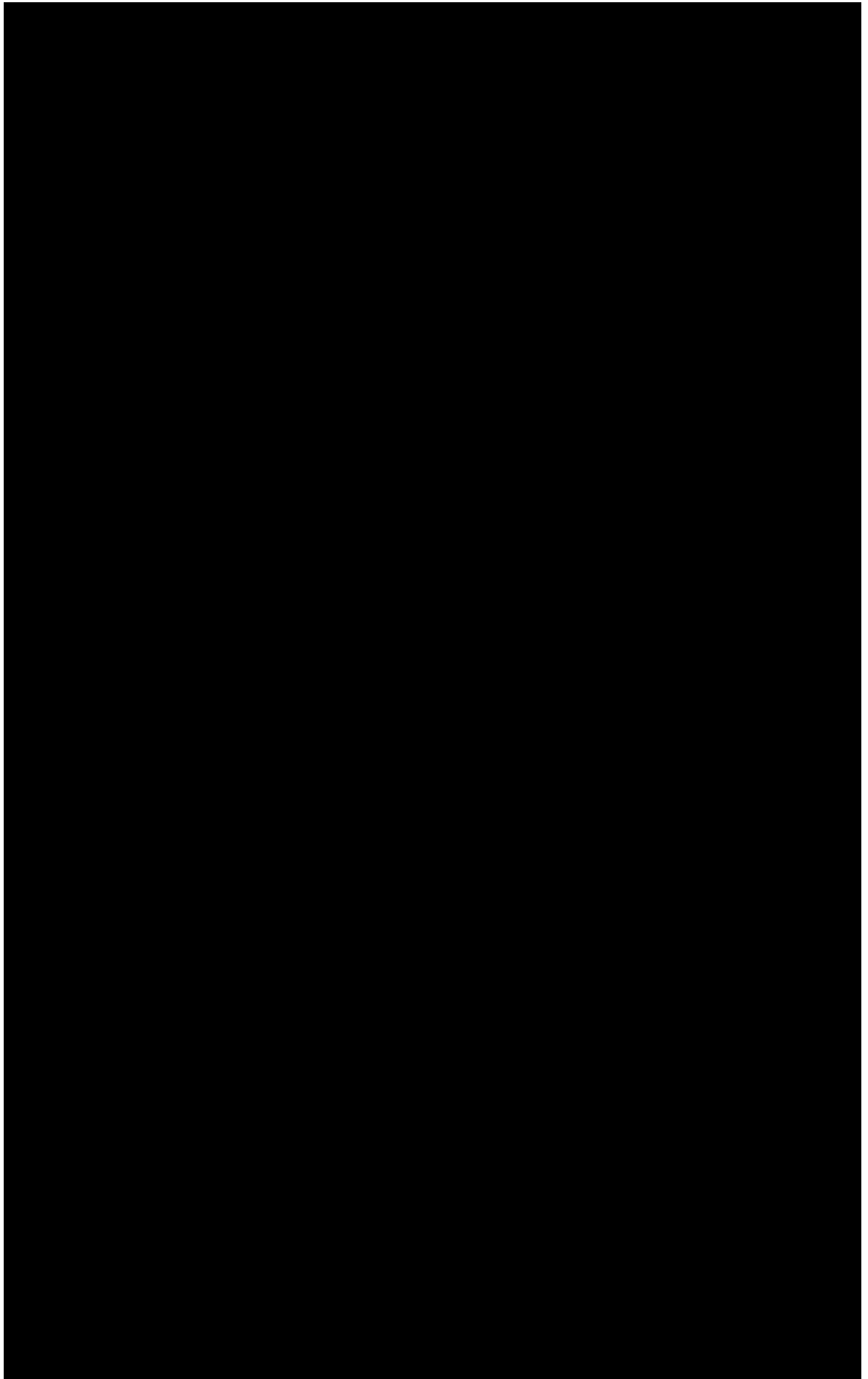
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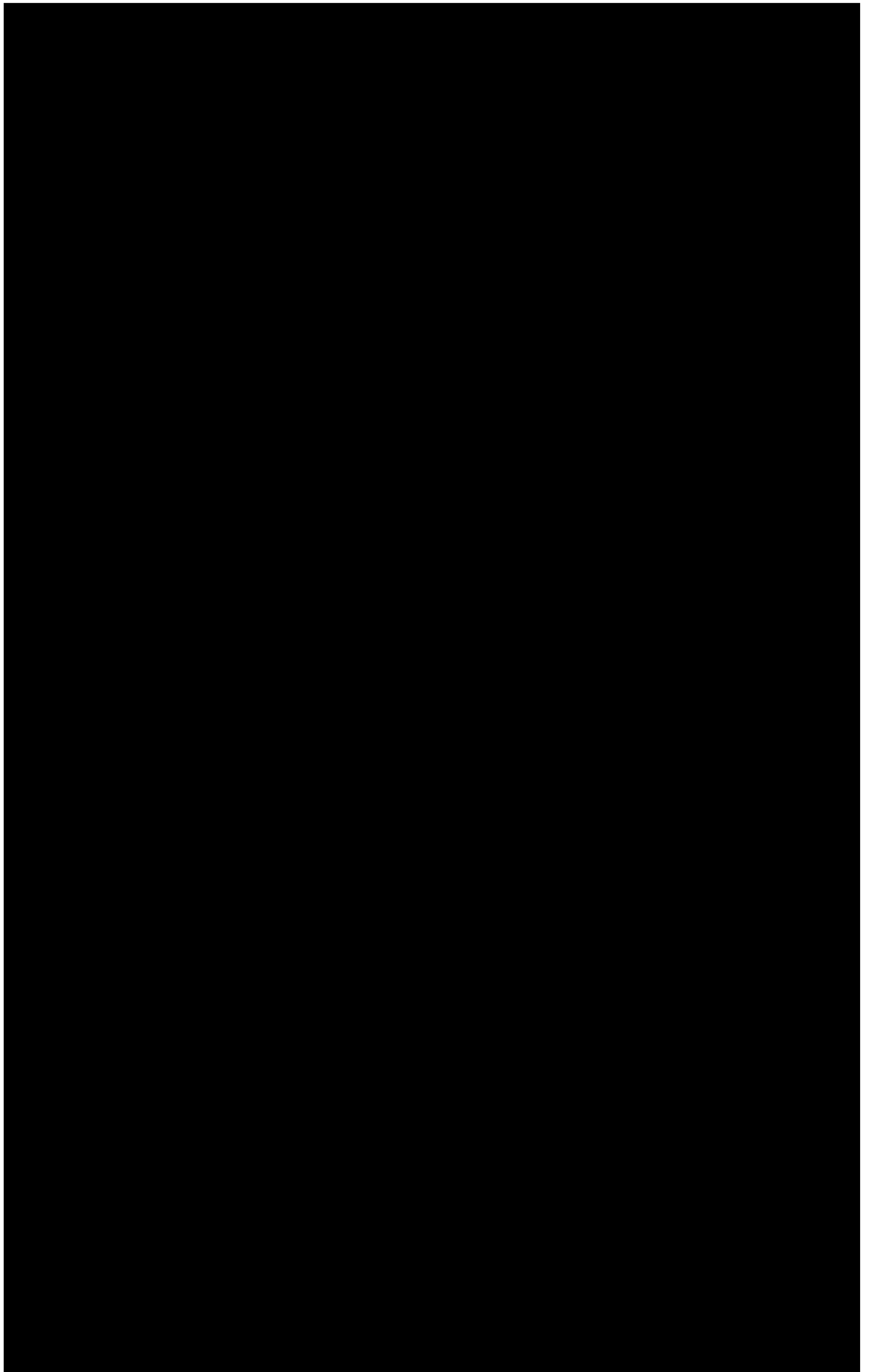
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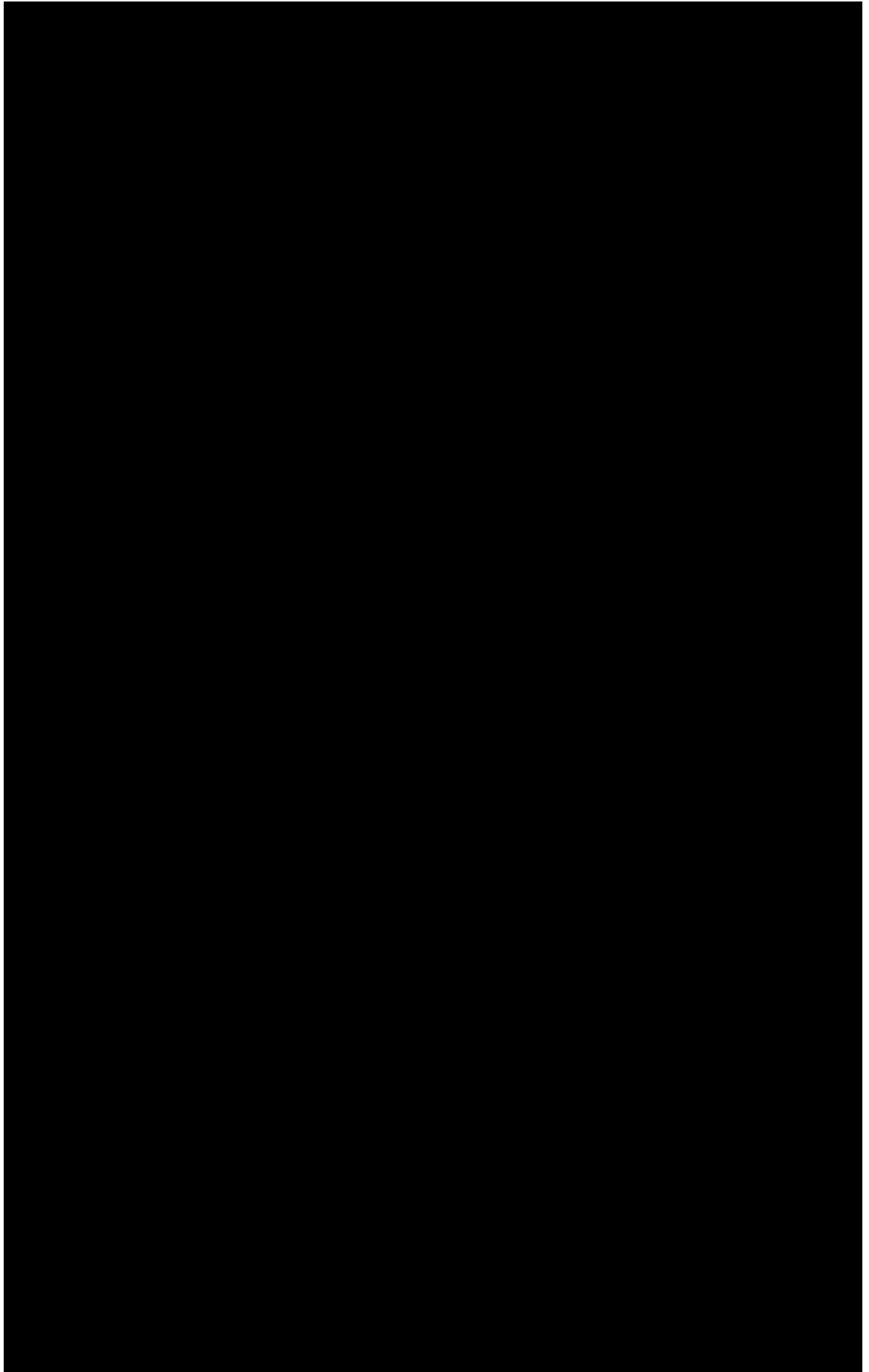
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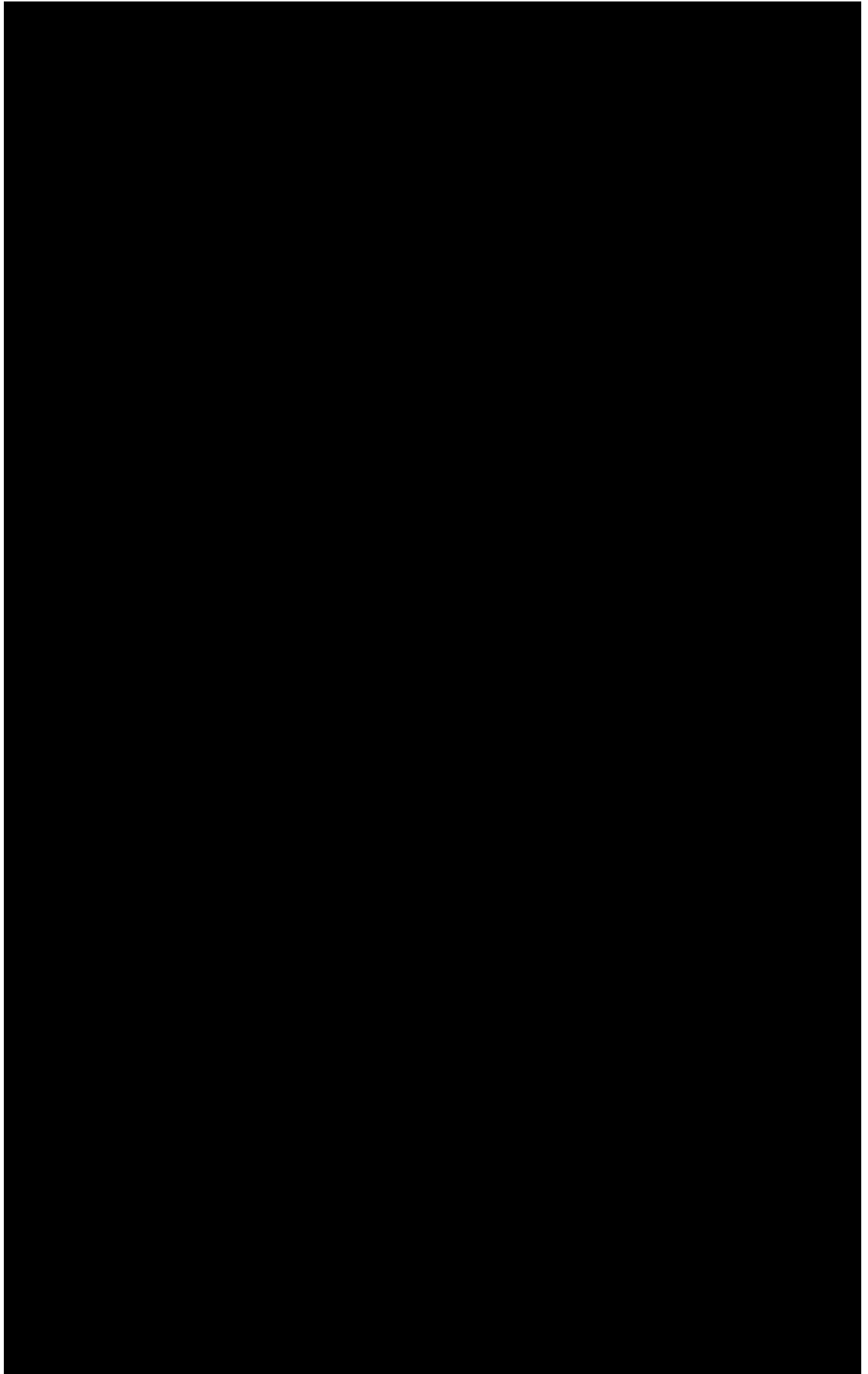
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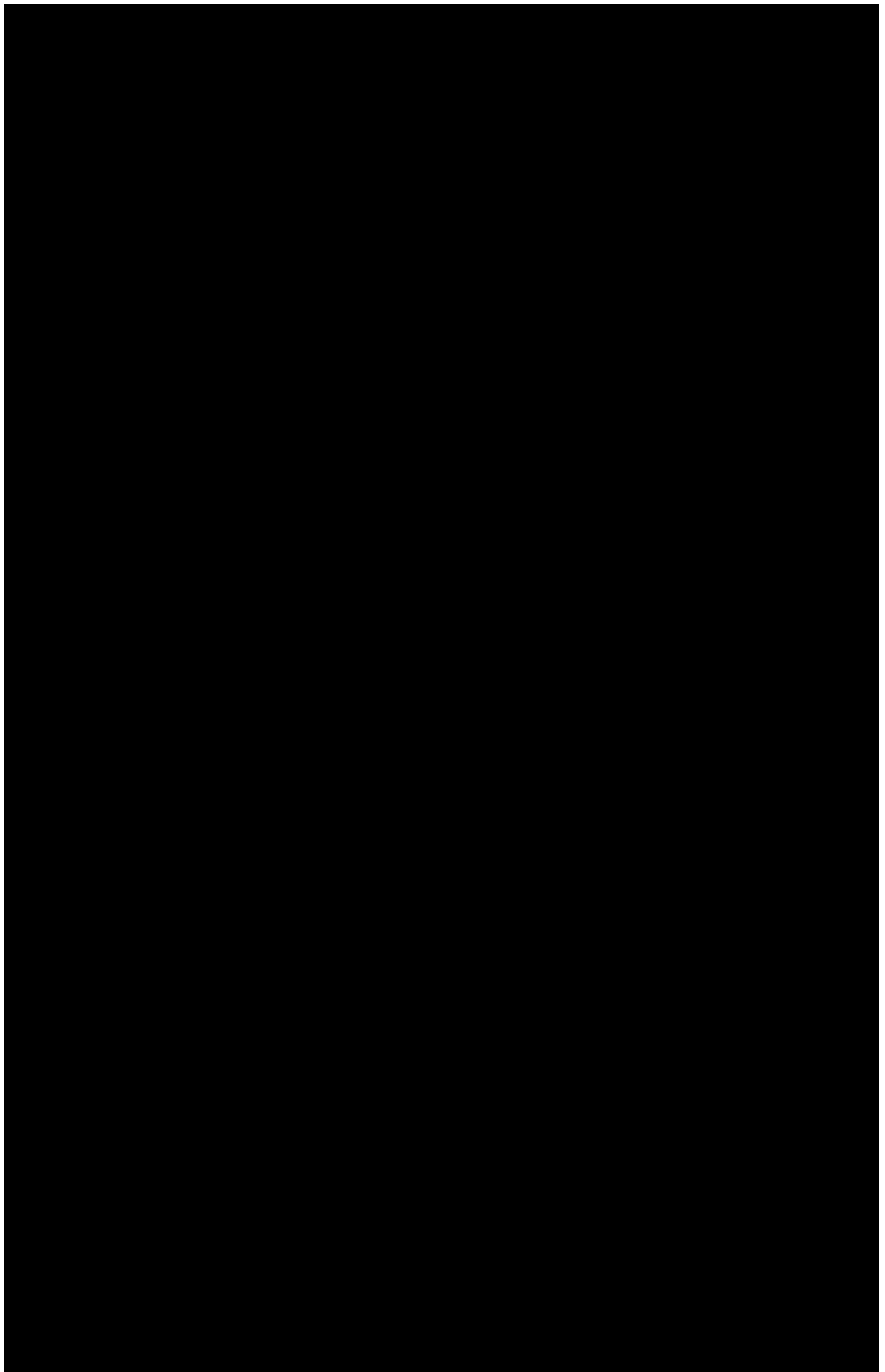
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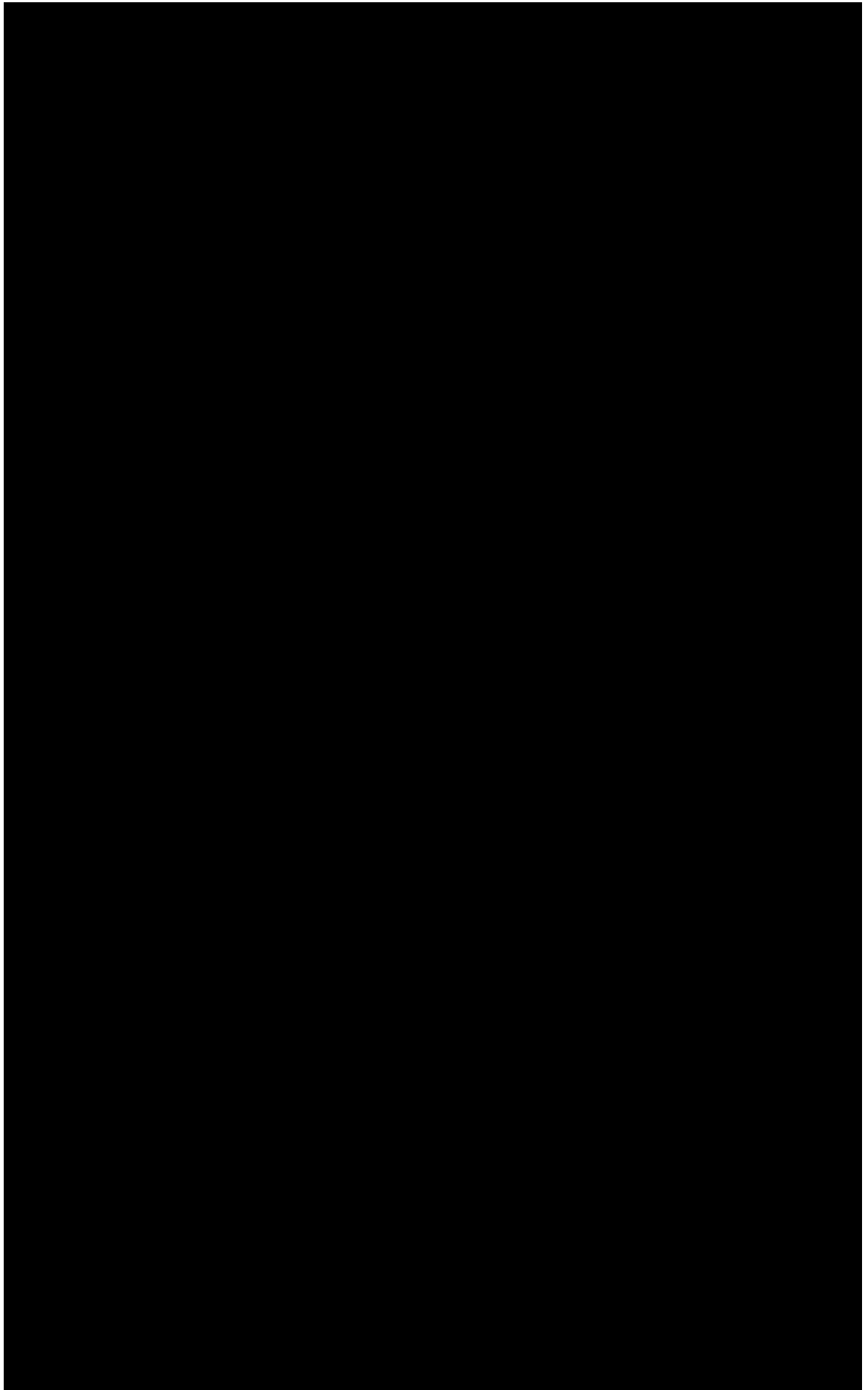
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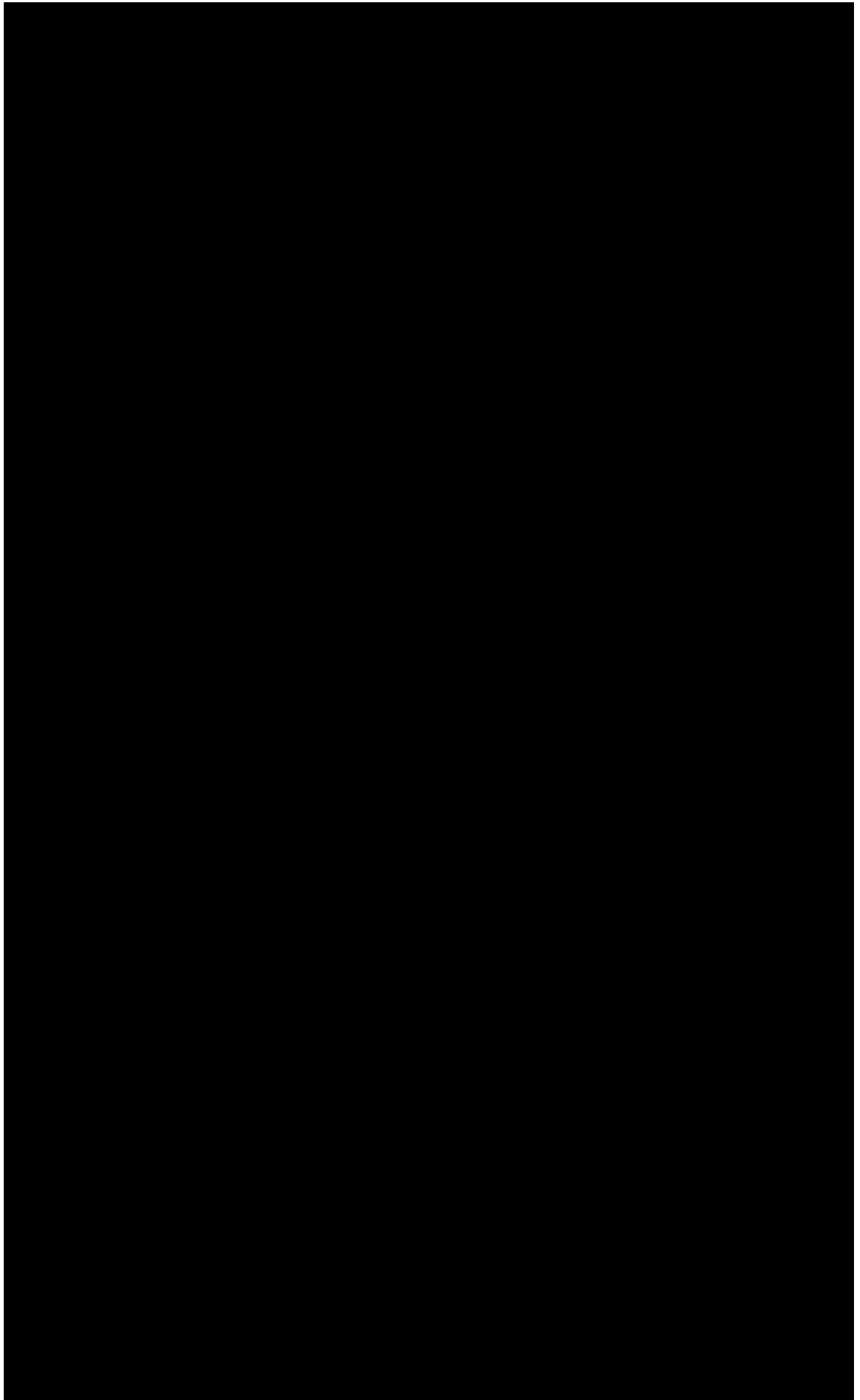
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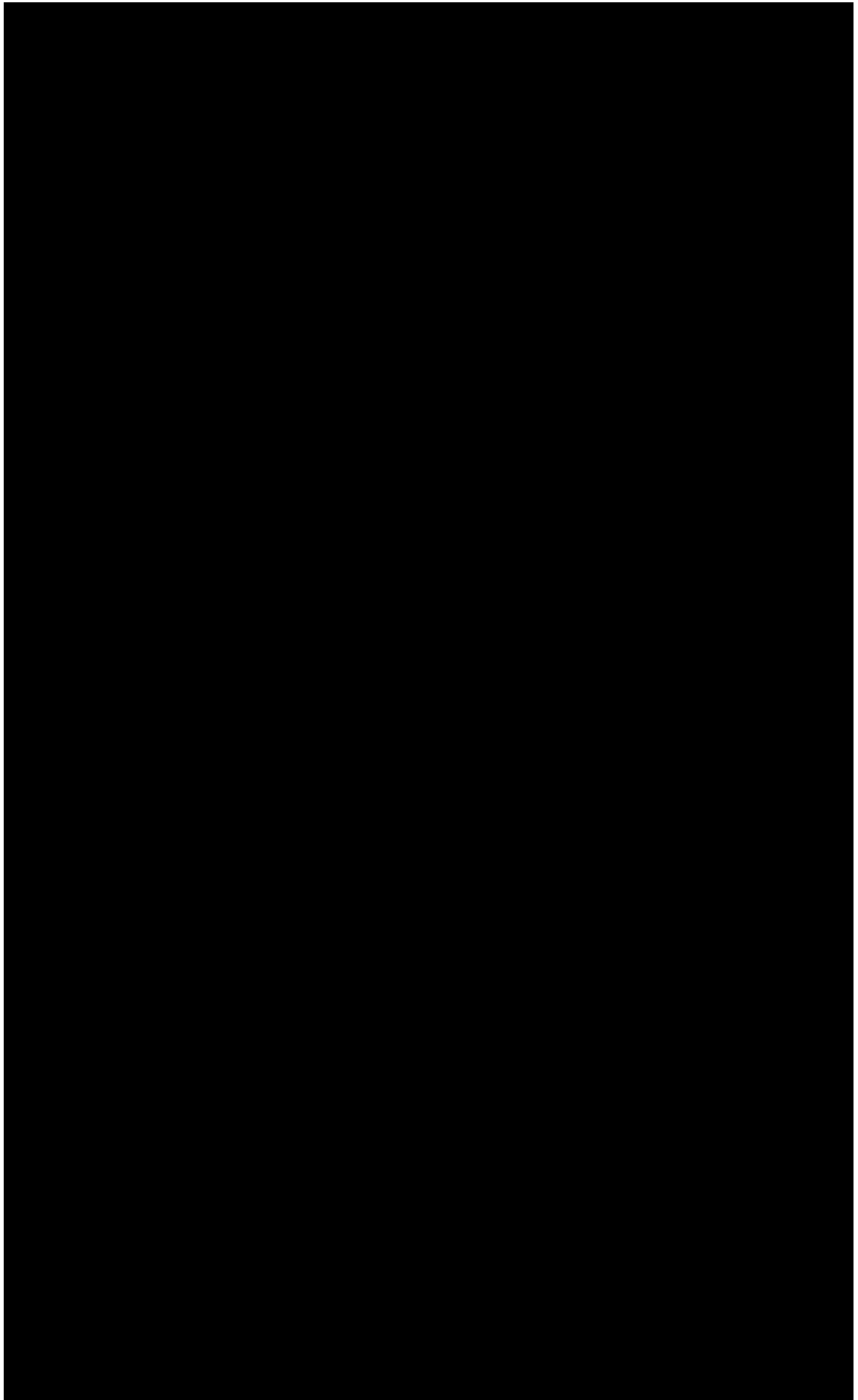
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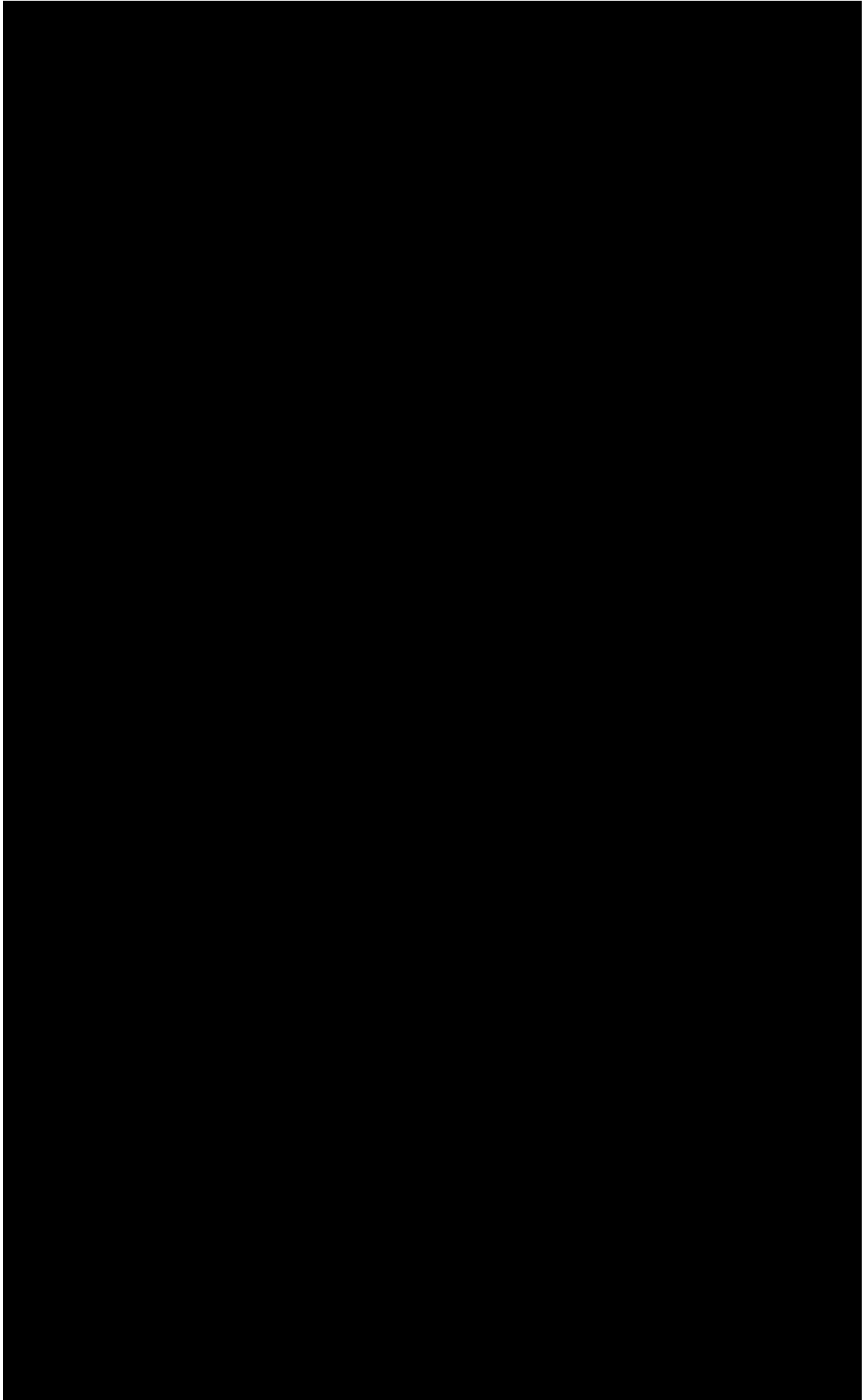
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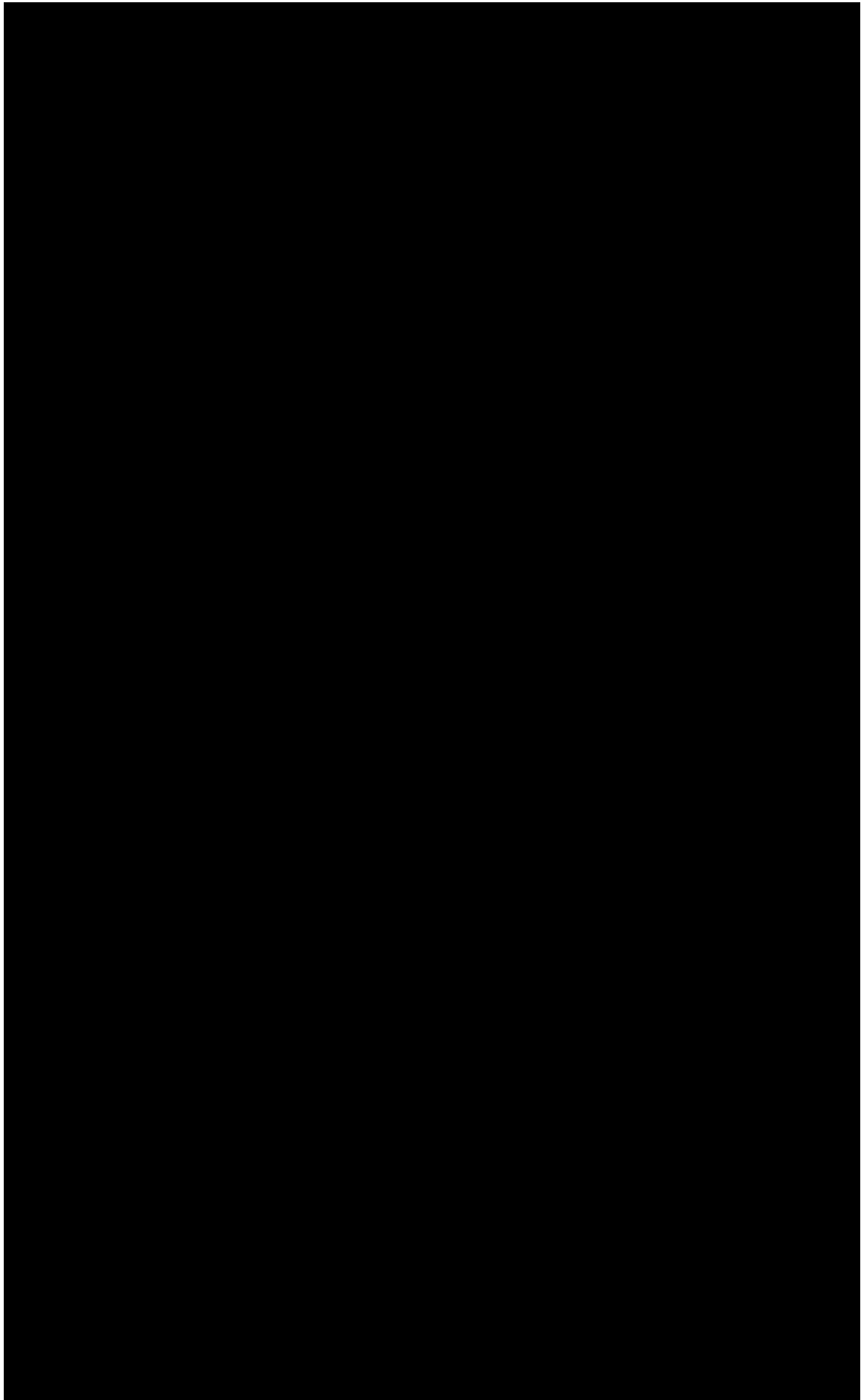
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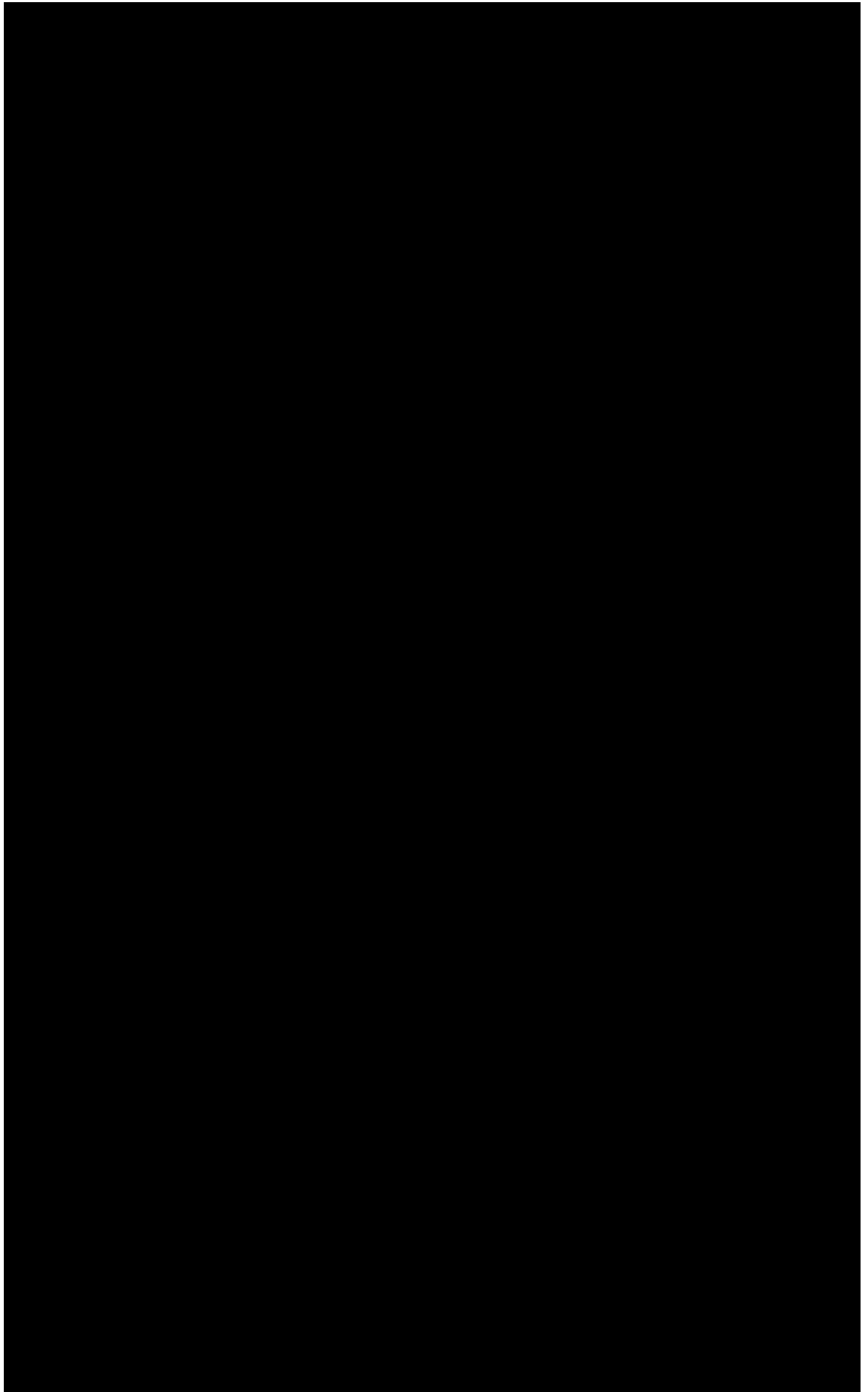
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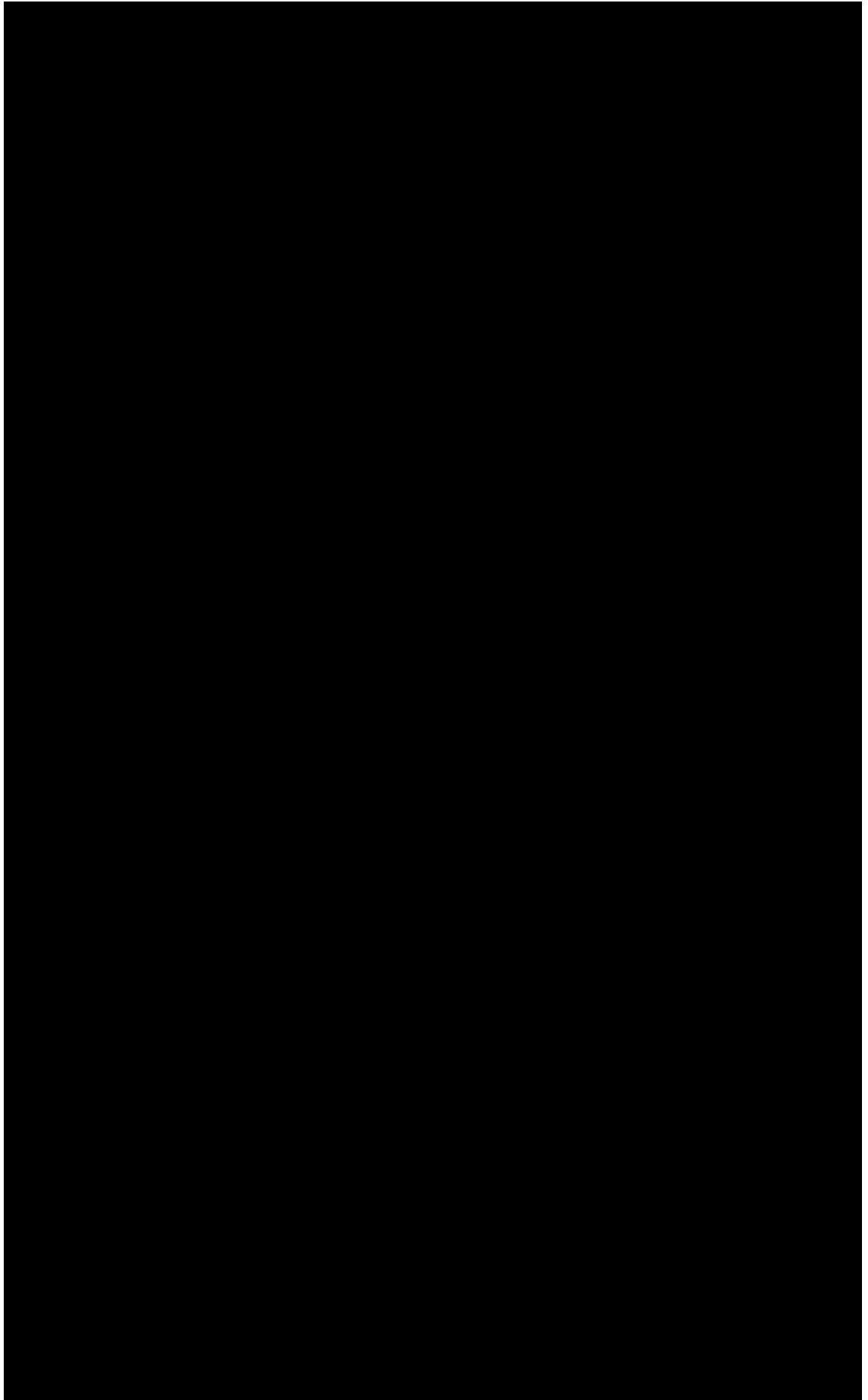
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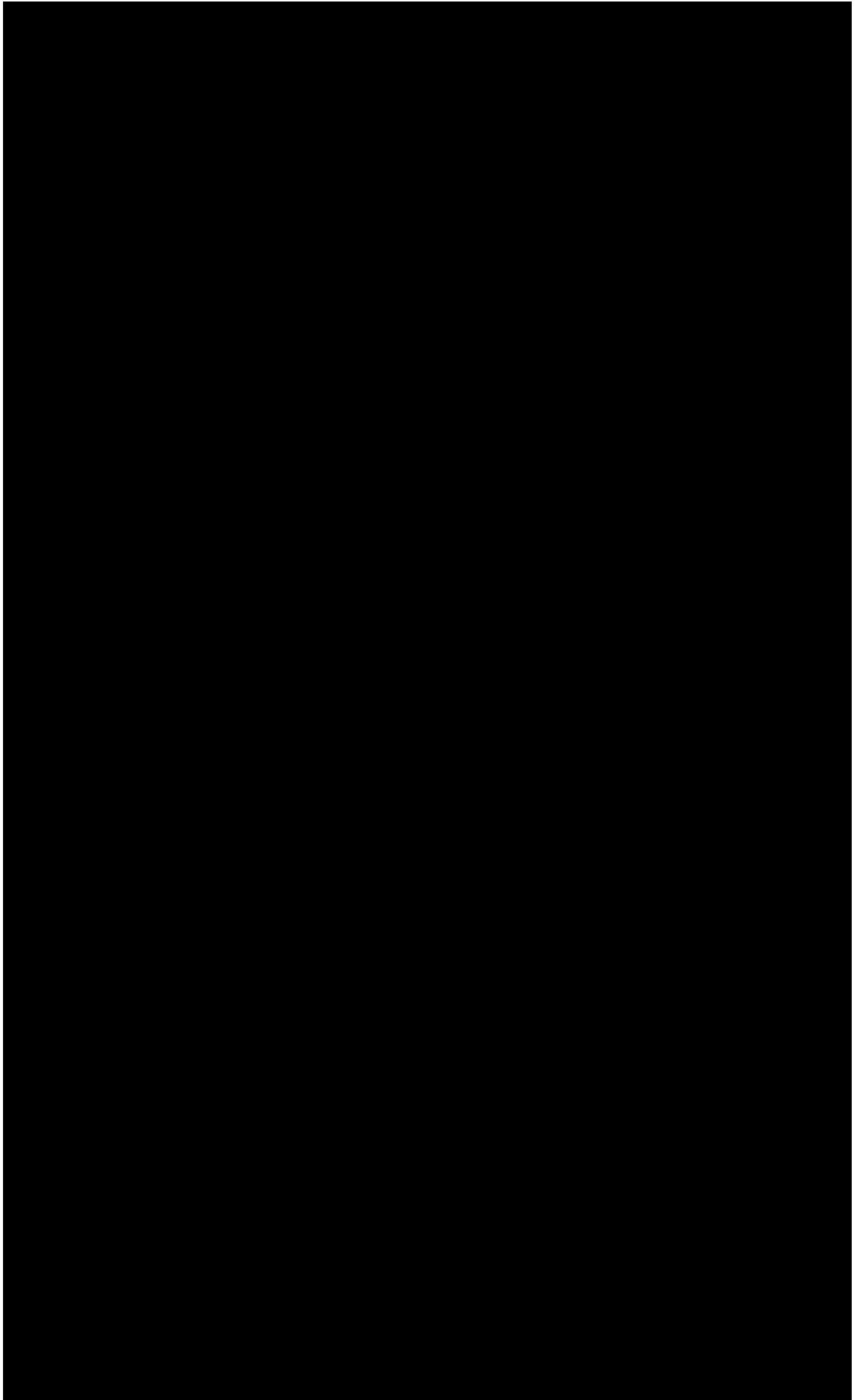
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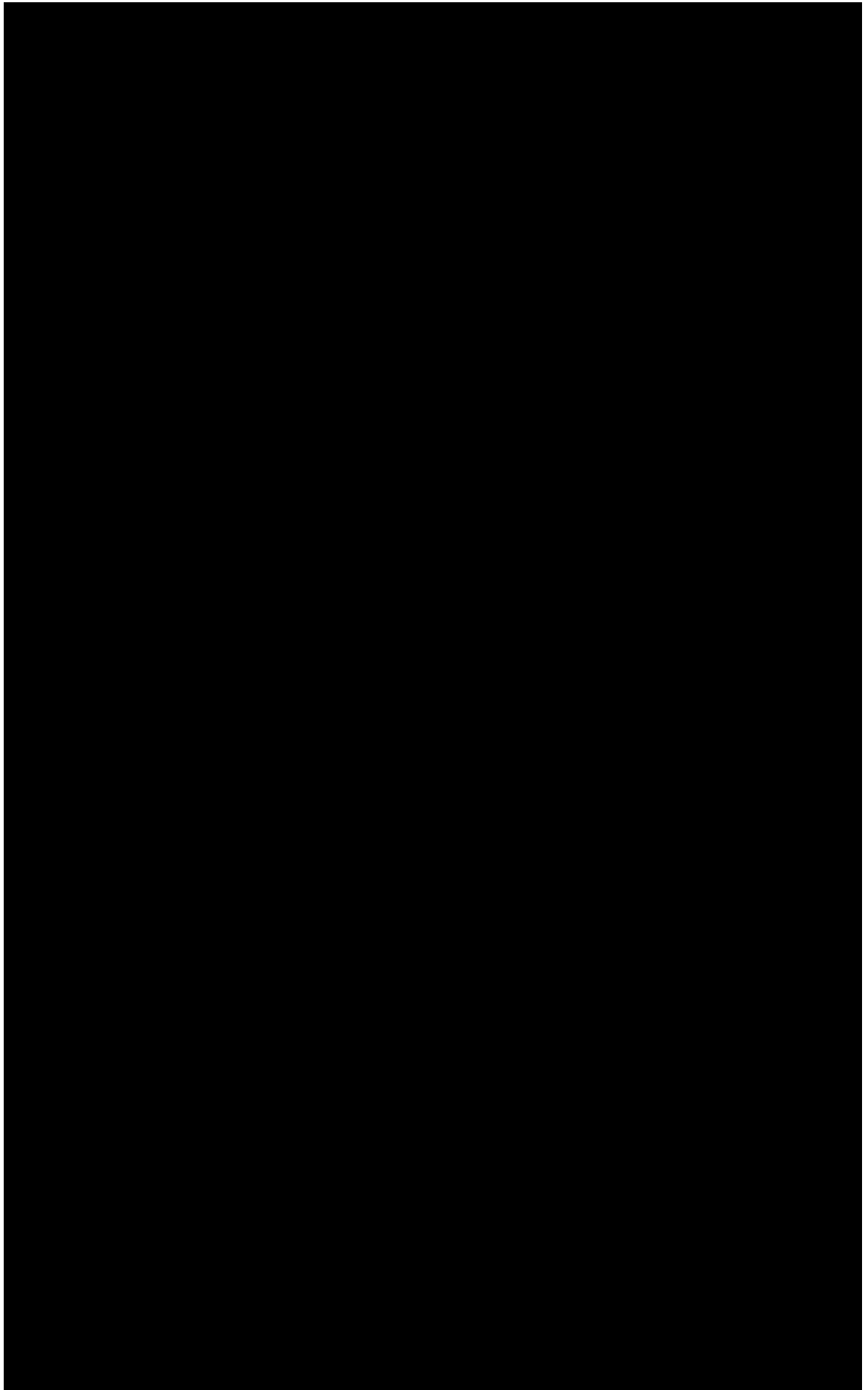
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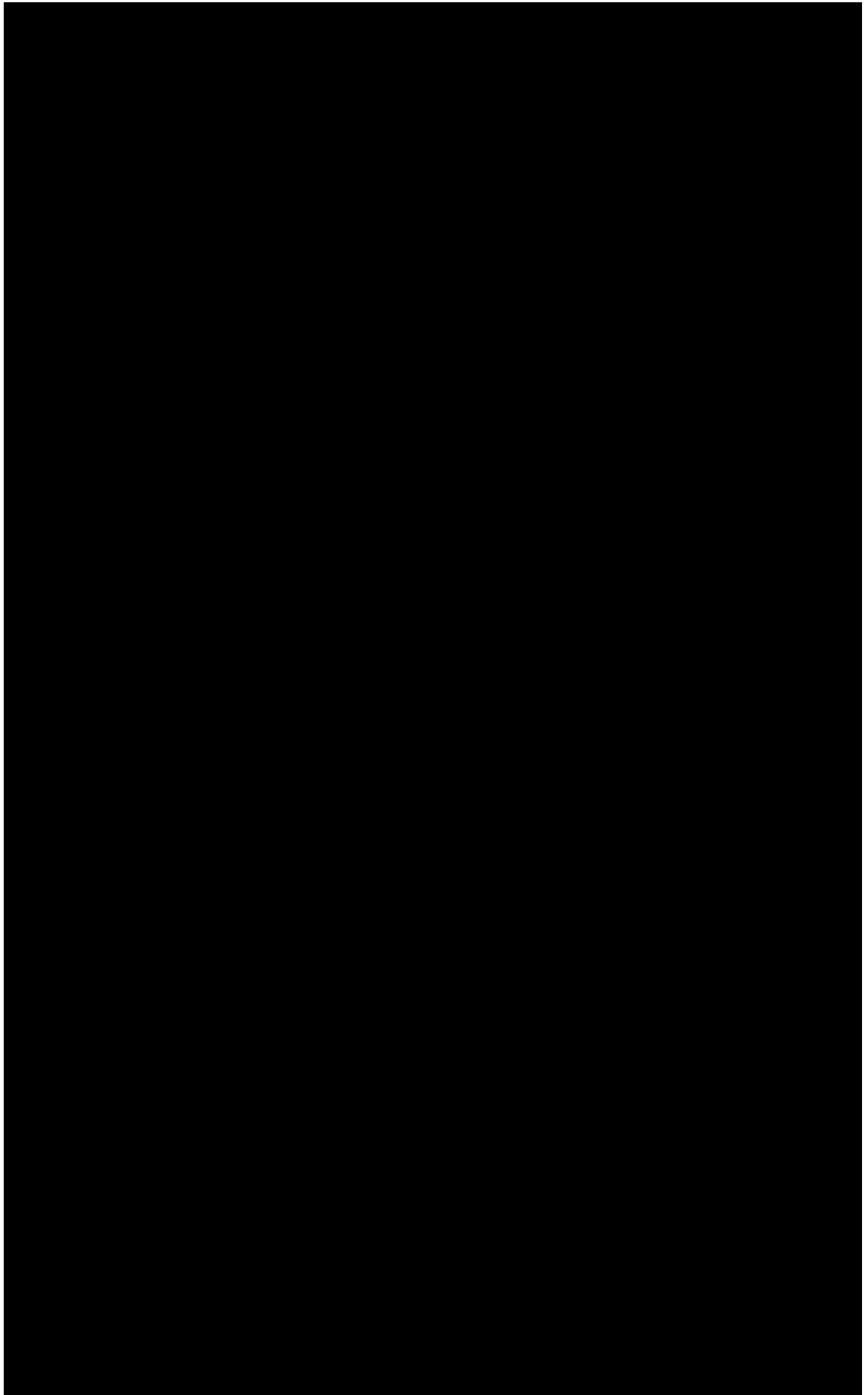
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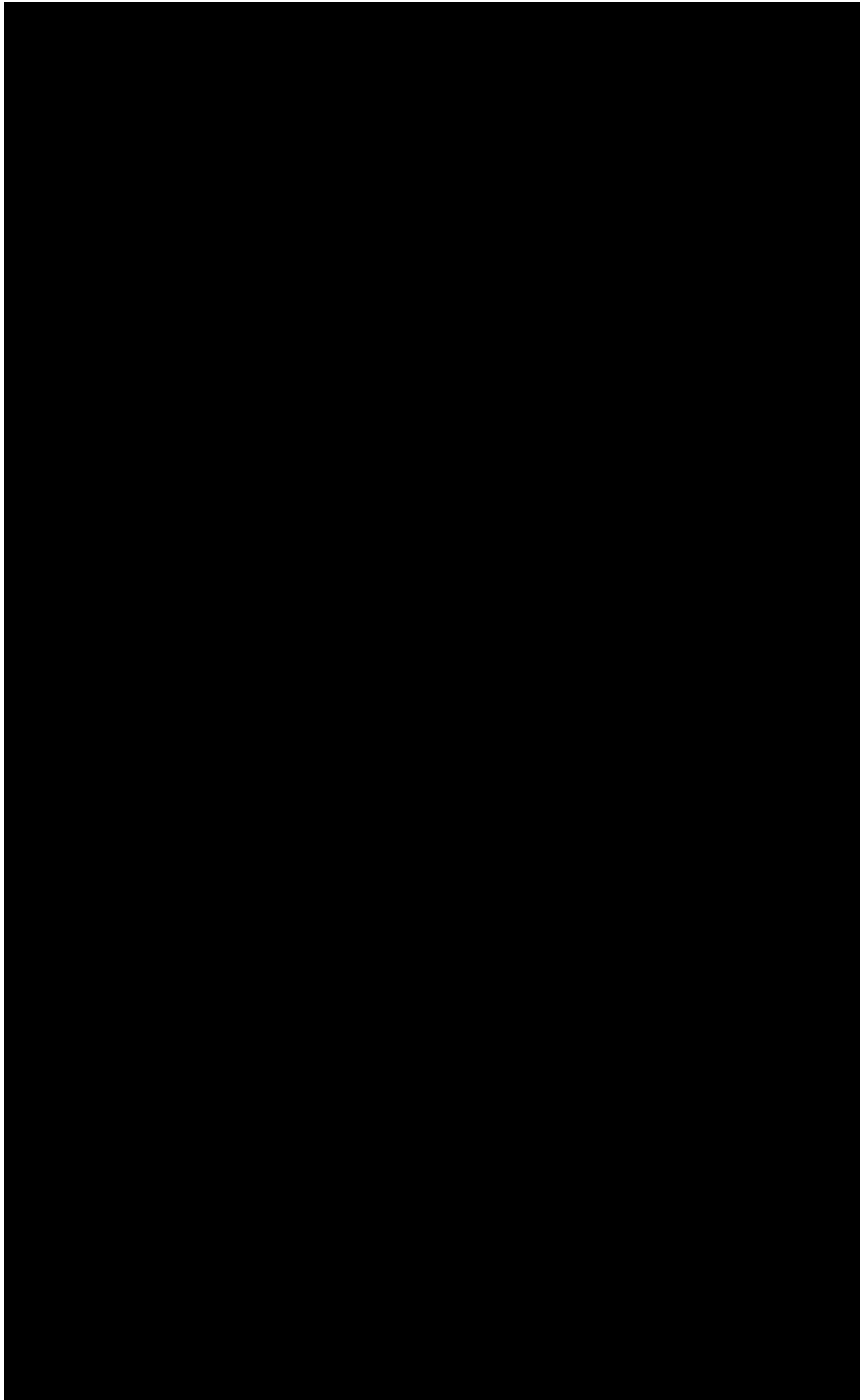
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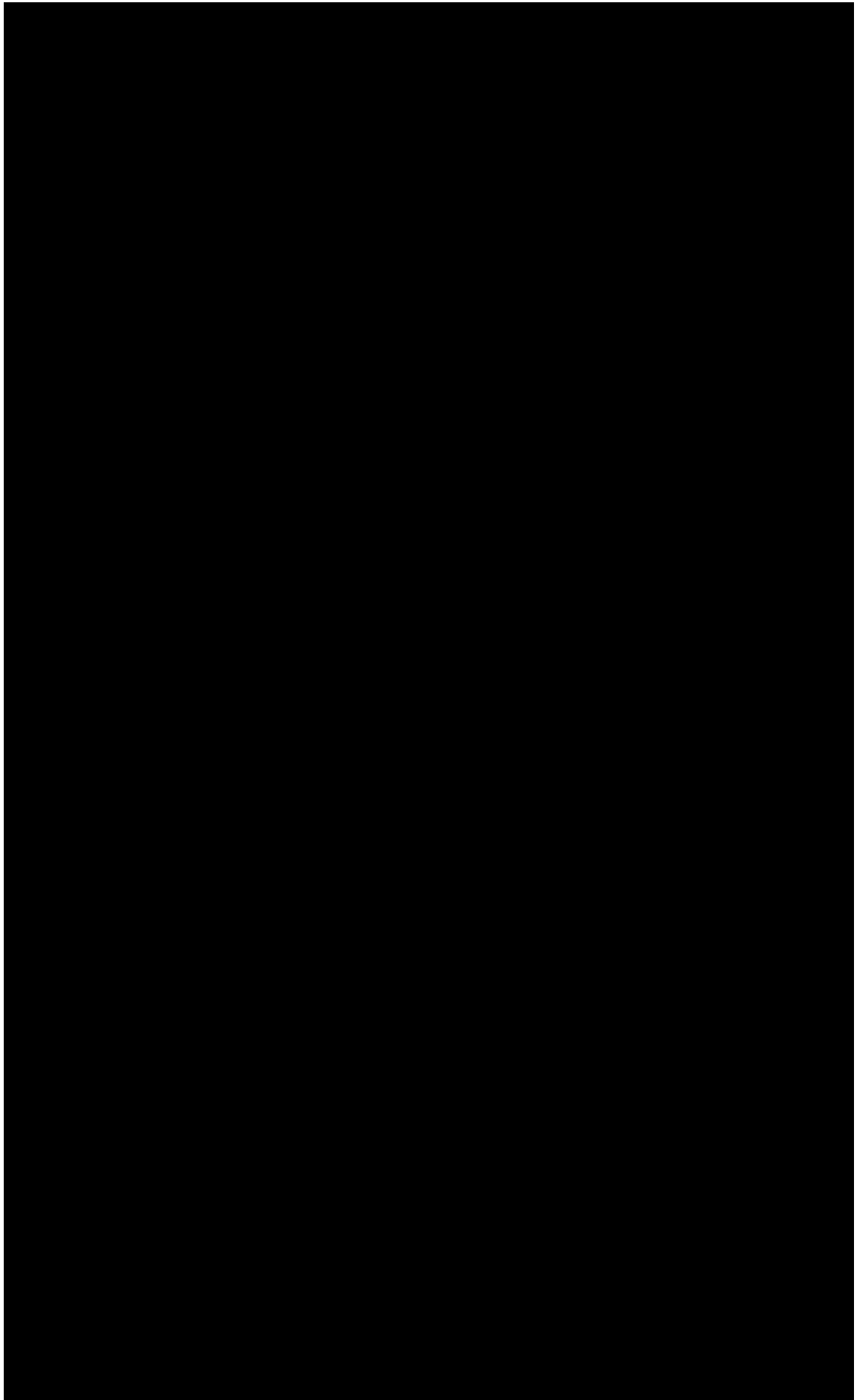
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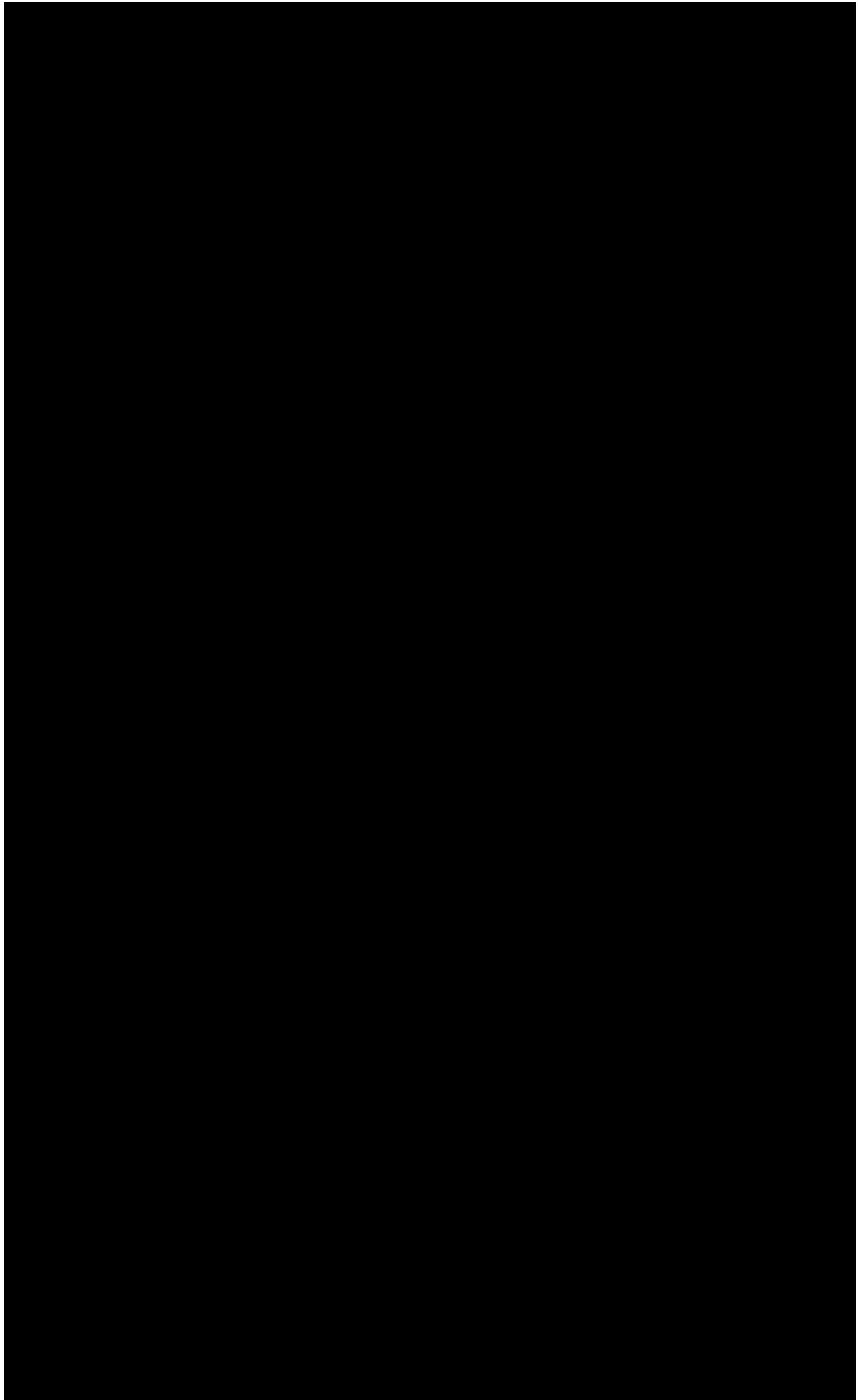
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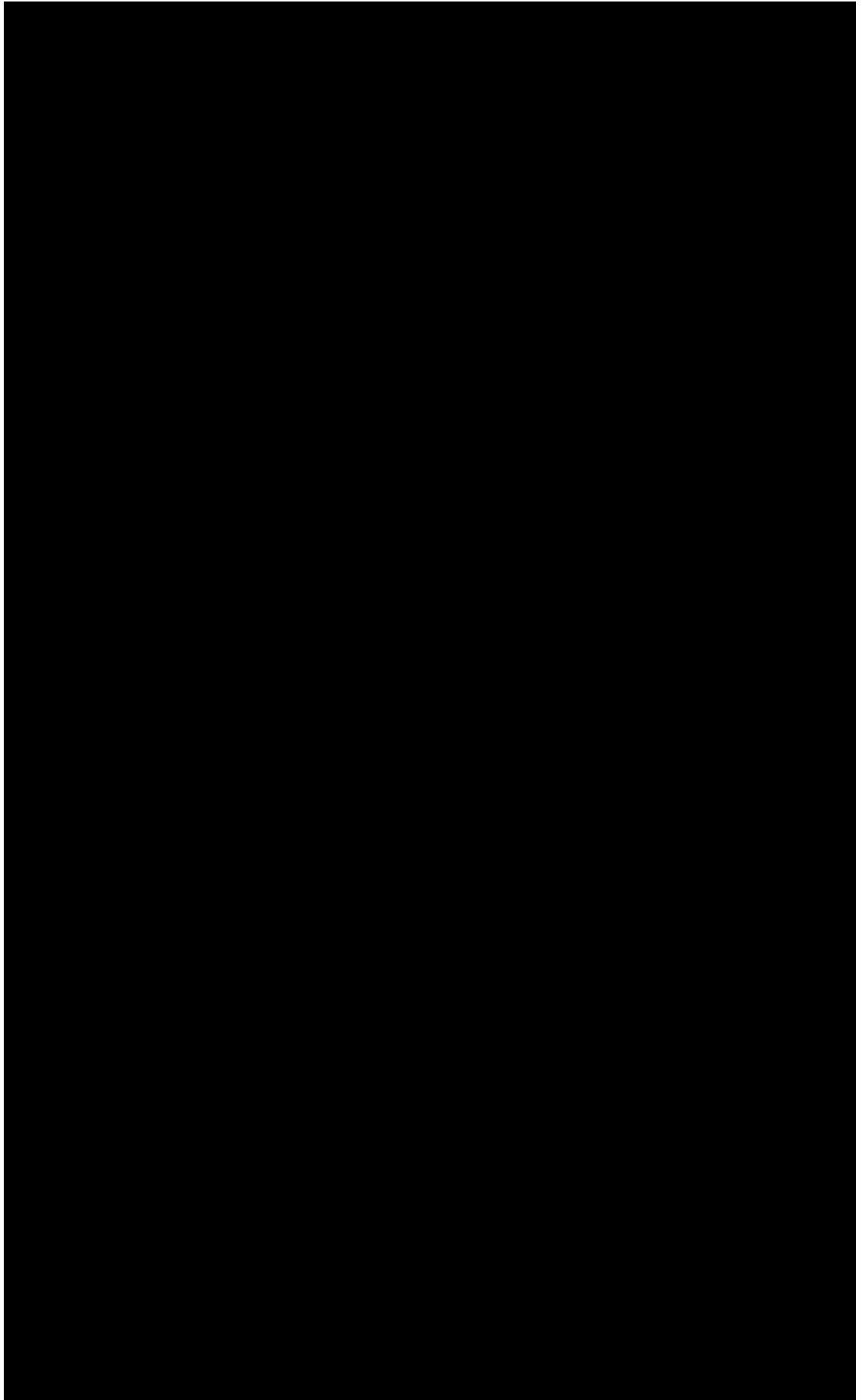
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1 BY MR. BAKER:

2 Q. Go ahead.

3 MS. MILLER: Go ahead and
4 answer.

5 THE WITNESS: That -- that
6 would be within the ballpark.

7 BY MR. BAKER:

8 Q. Okay. And do you know why
9 it was moved from a distribution
10 center-related program to Knoxville at
11 that time?

12 MS. MILLER: Objection.
13 Asked and answered.

14 BY MR. BAKER:

15 Q. Do you know?

16 A. I believe I -- I had
17 mentioned from a -- you know, the
18 continuous evolution of the process and
19 from an operational efficiency
20 standpoint.

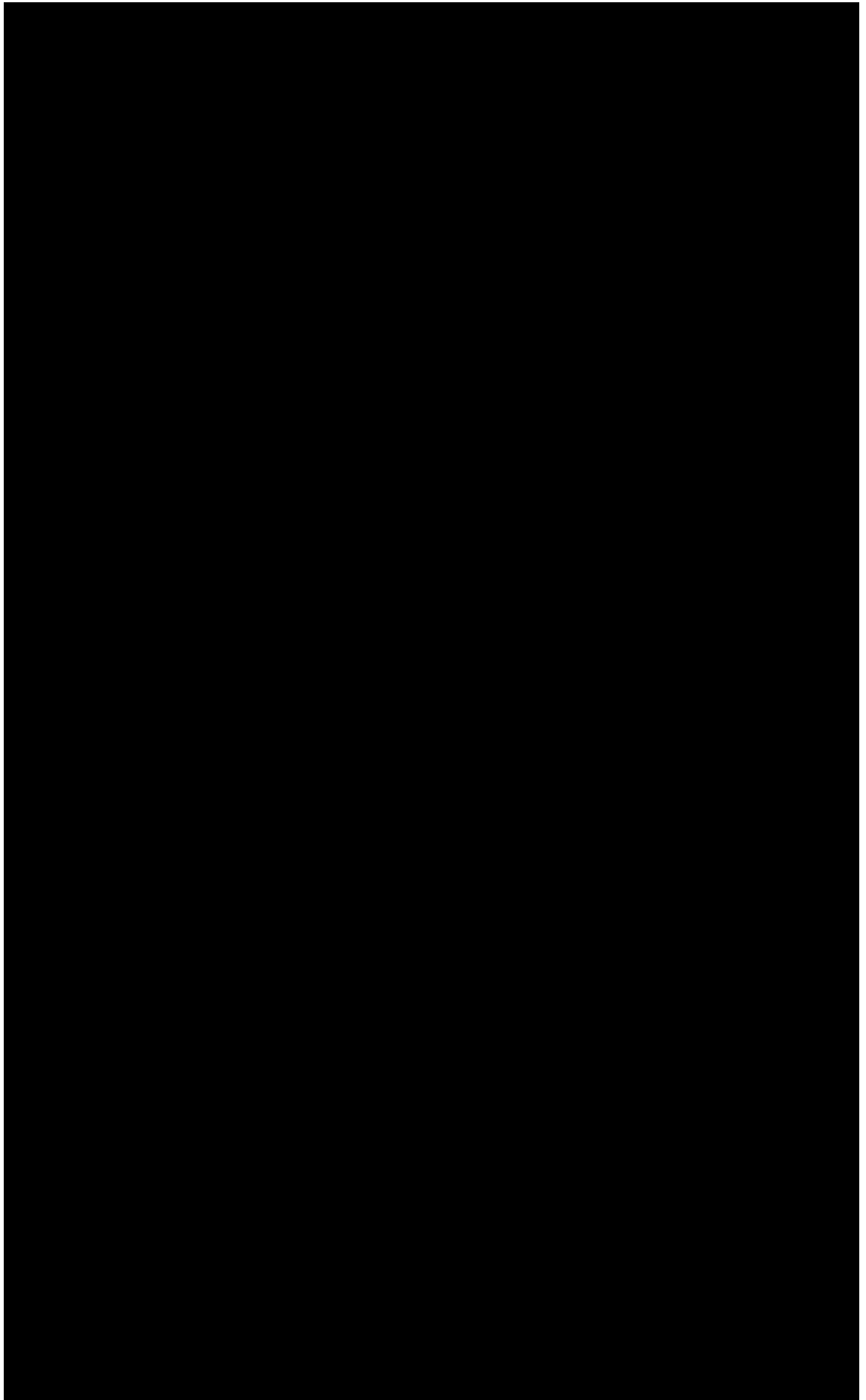
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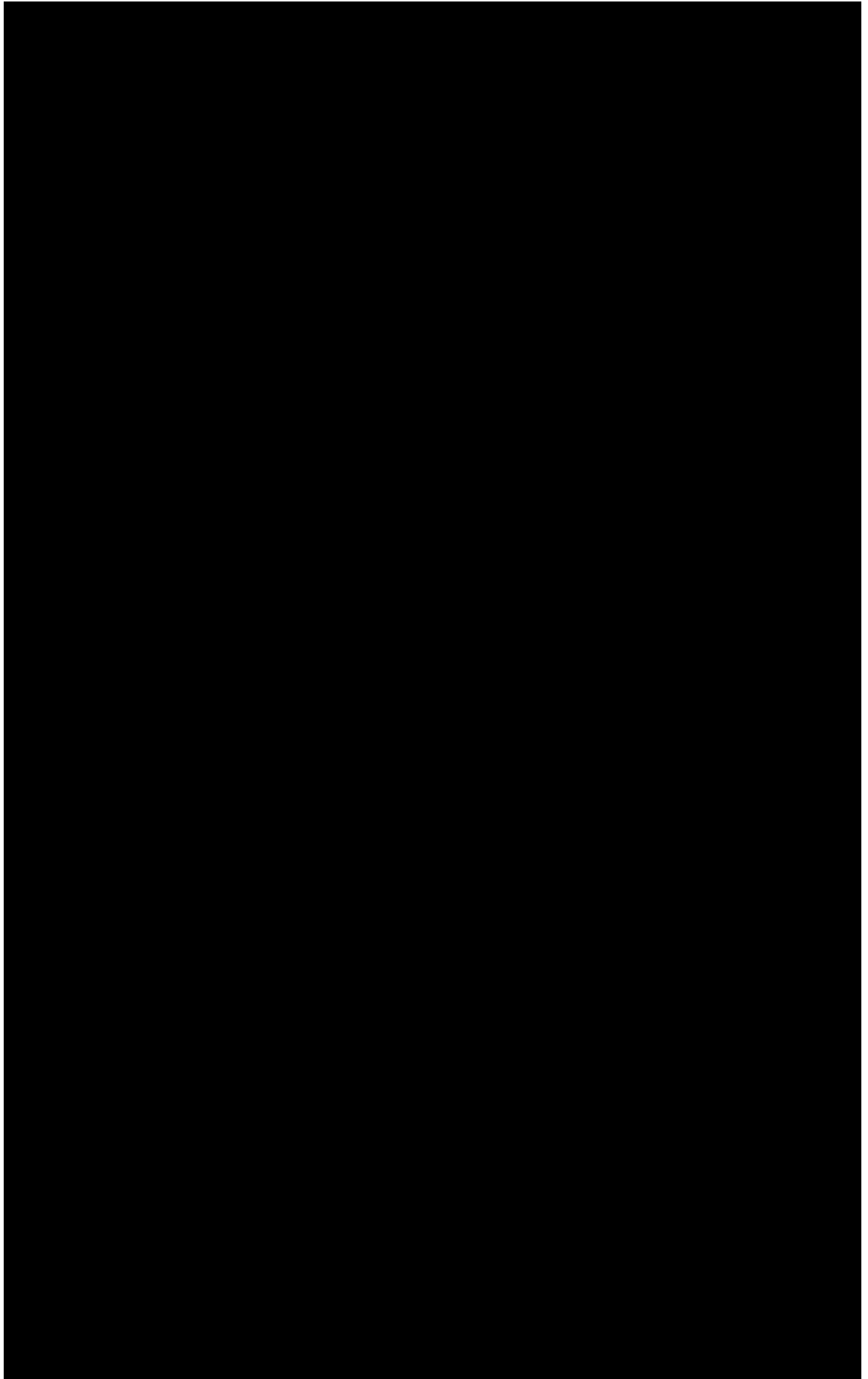
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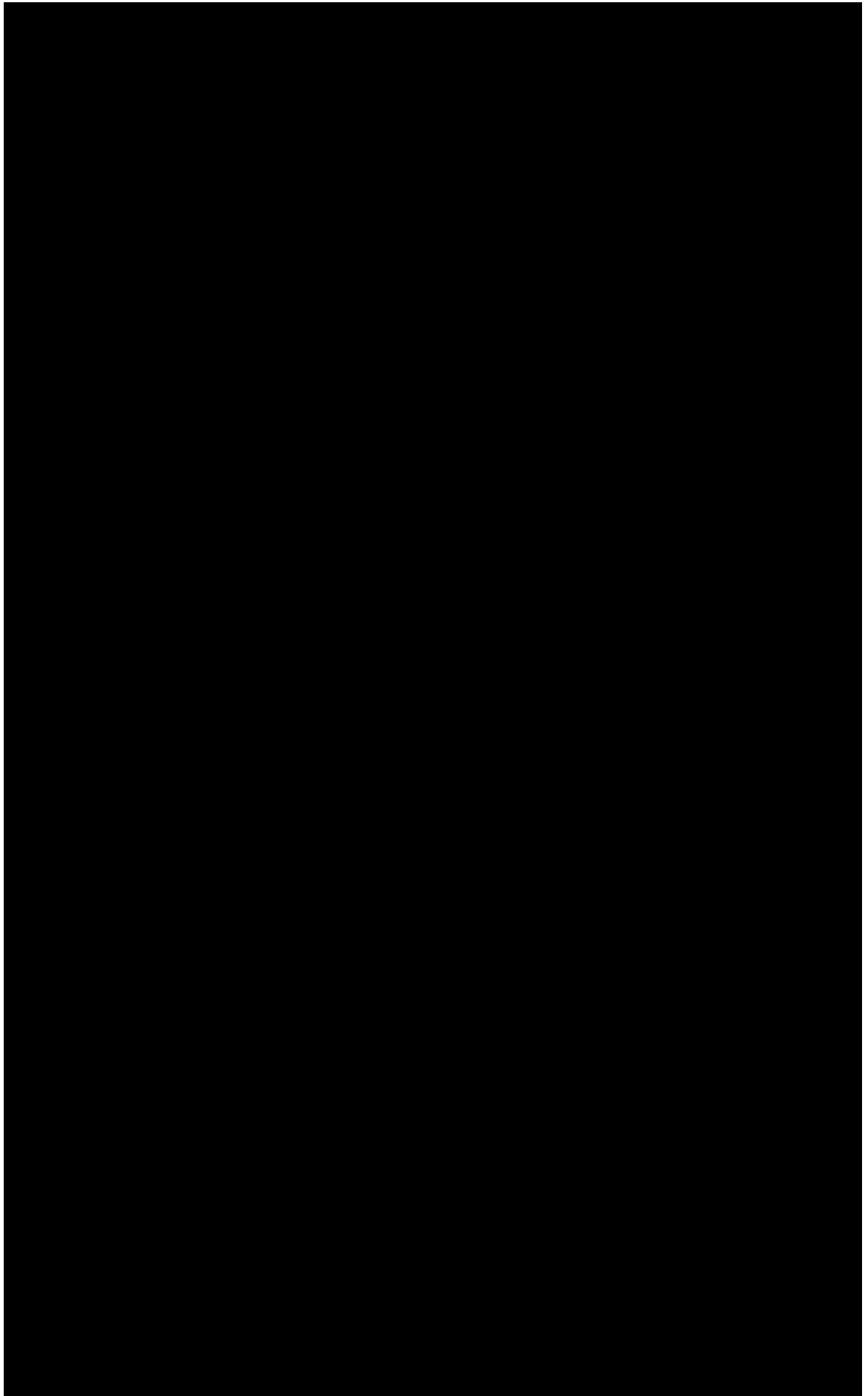
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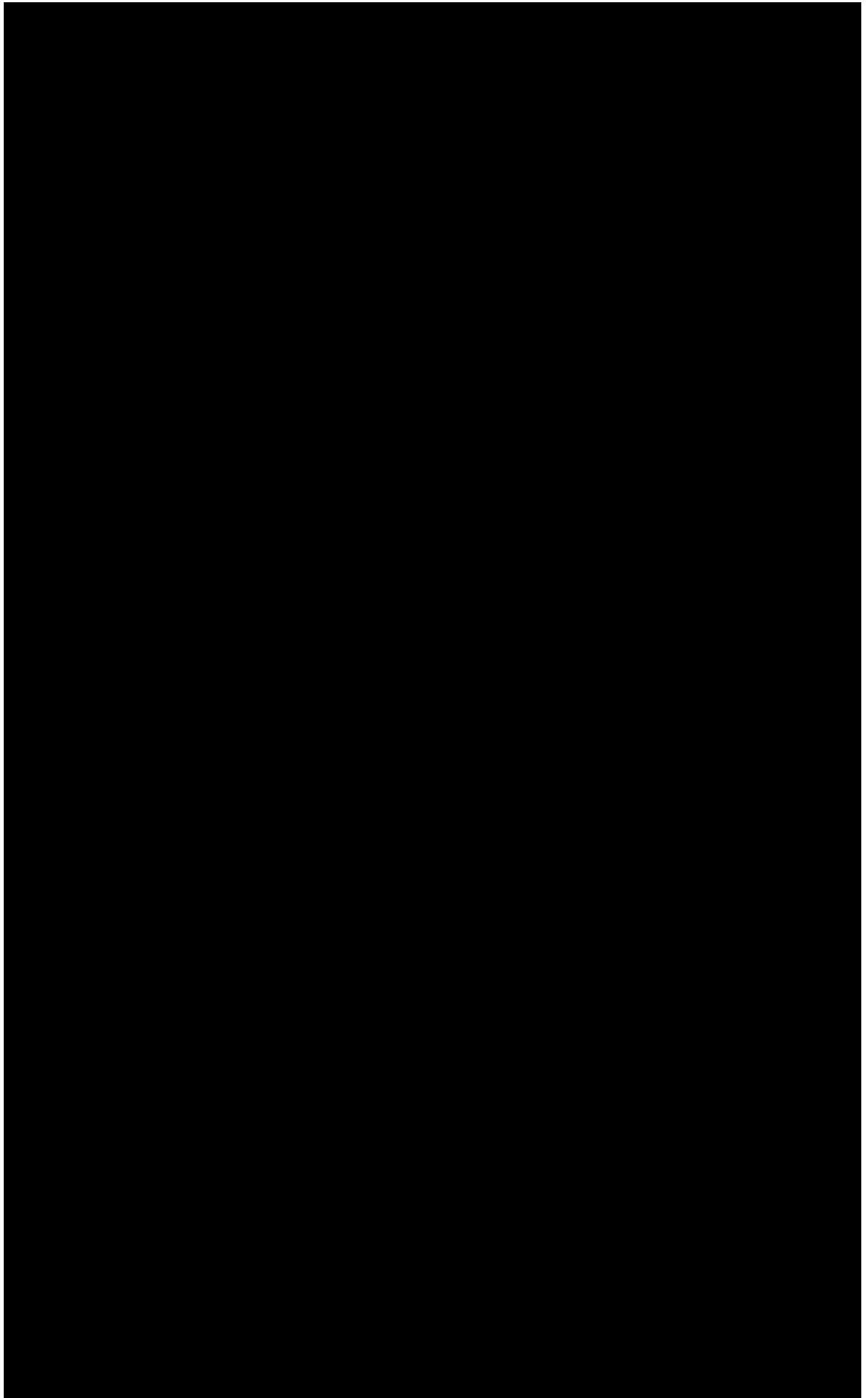
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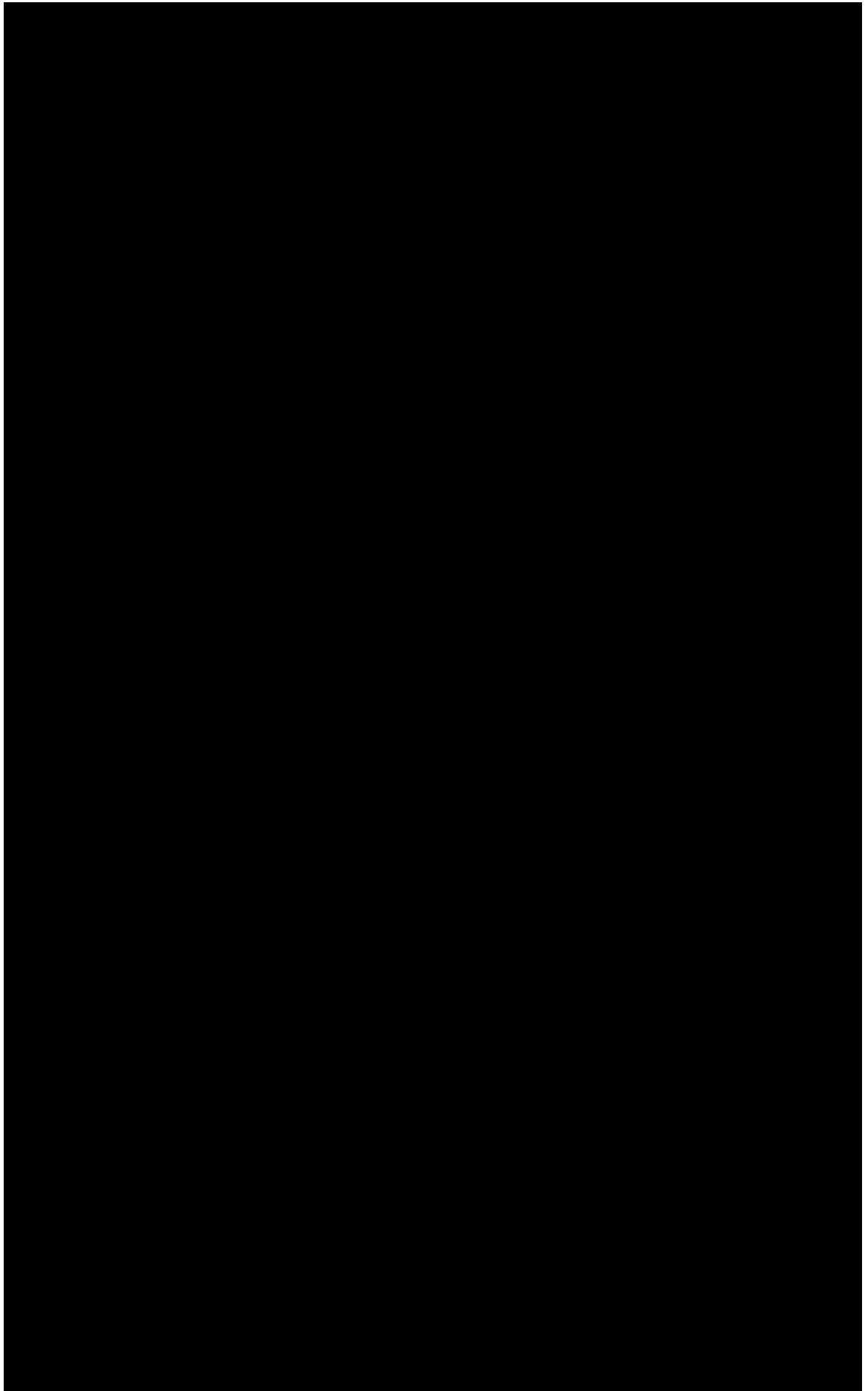
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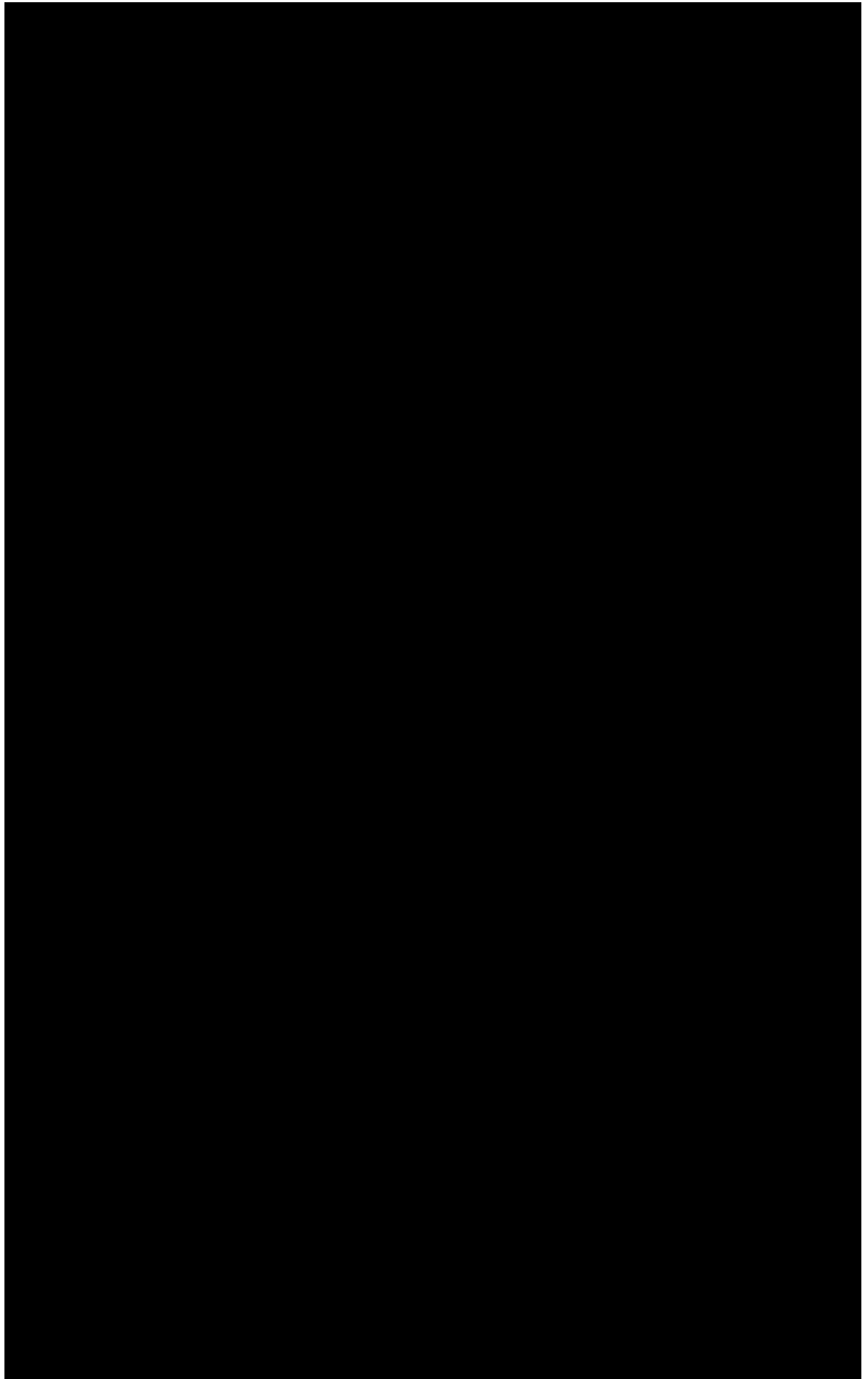
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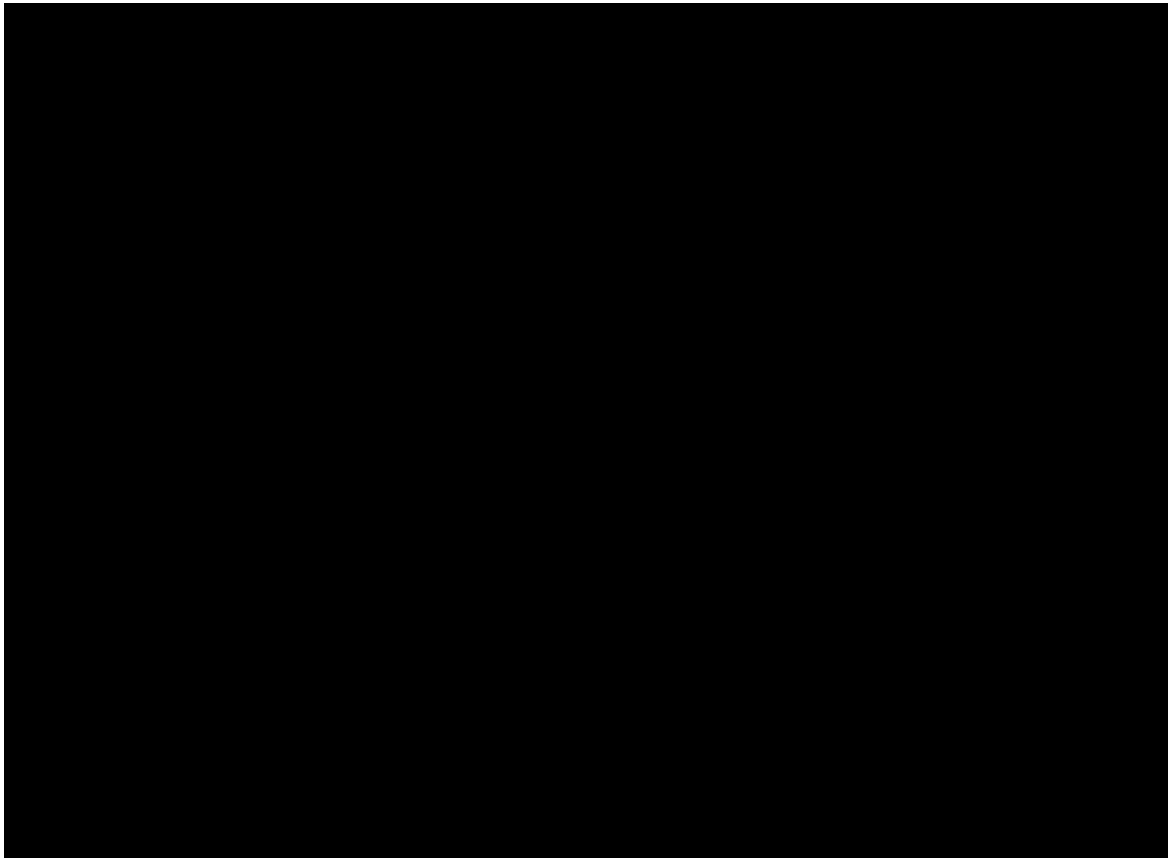
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Q. What was your involvement with respect to the IRRs and the review of the IRRs, if anything, while you were at CVS?

A. I was not involved in the day-to-day review of the IRR.

Q. What was your involvement with respect to management of how many people would review IRRs?

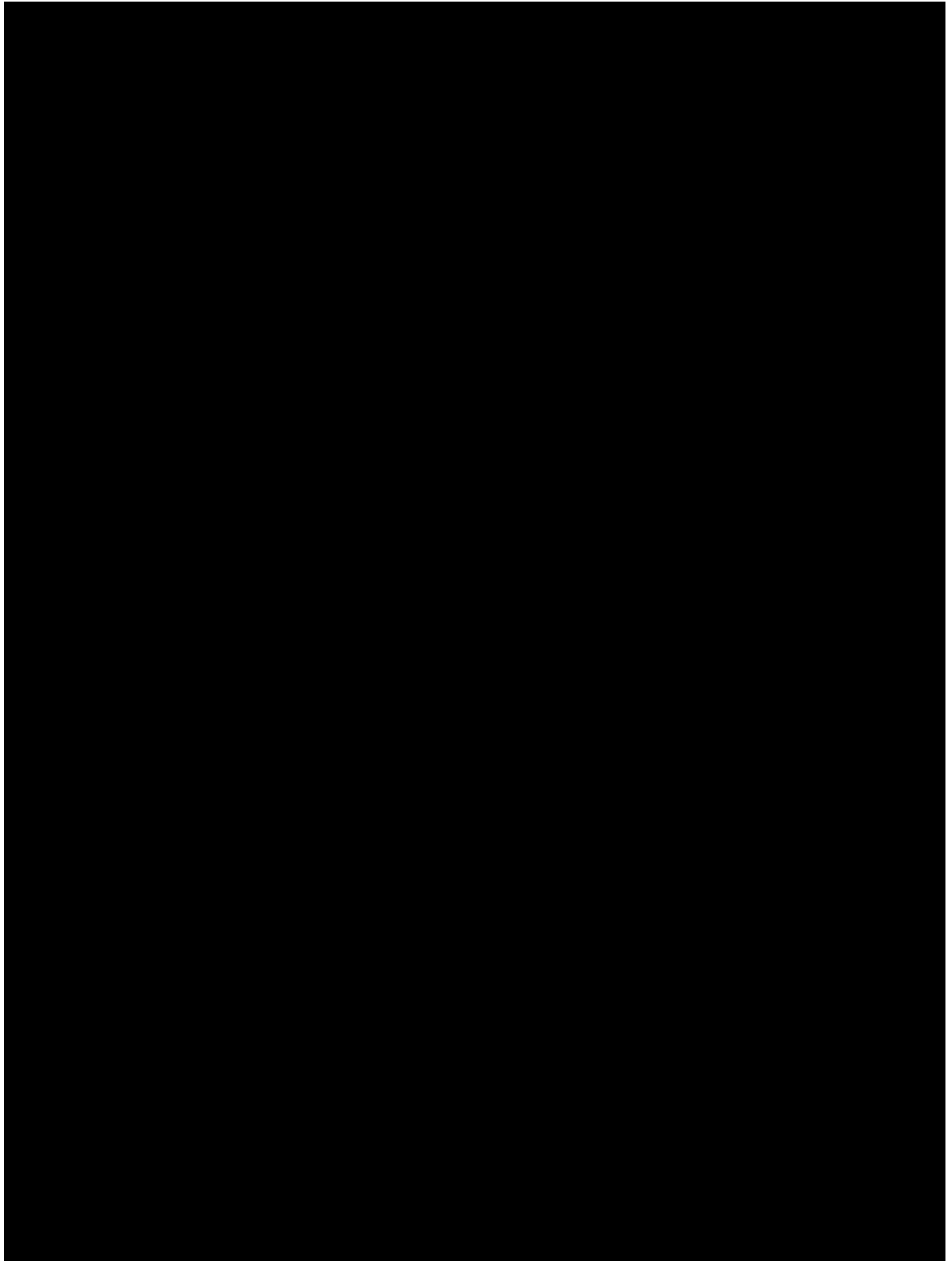
A. I would be involved in the decision as far as how many people would review the IRR.

Q. Okay. And that was from

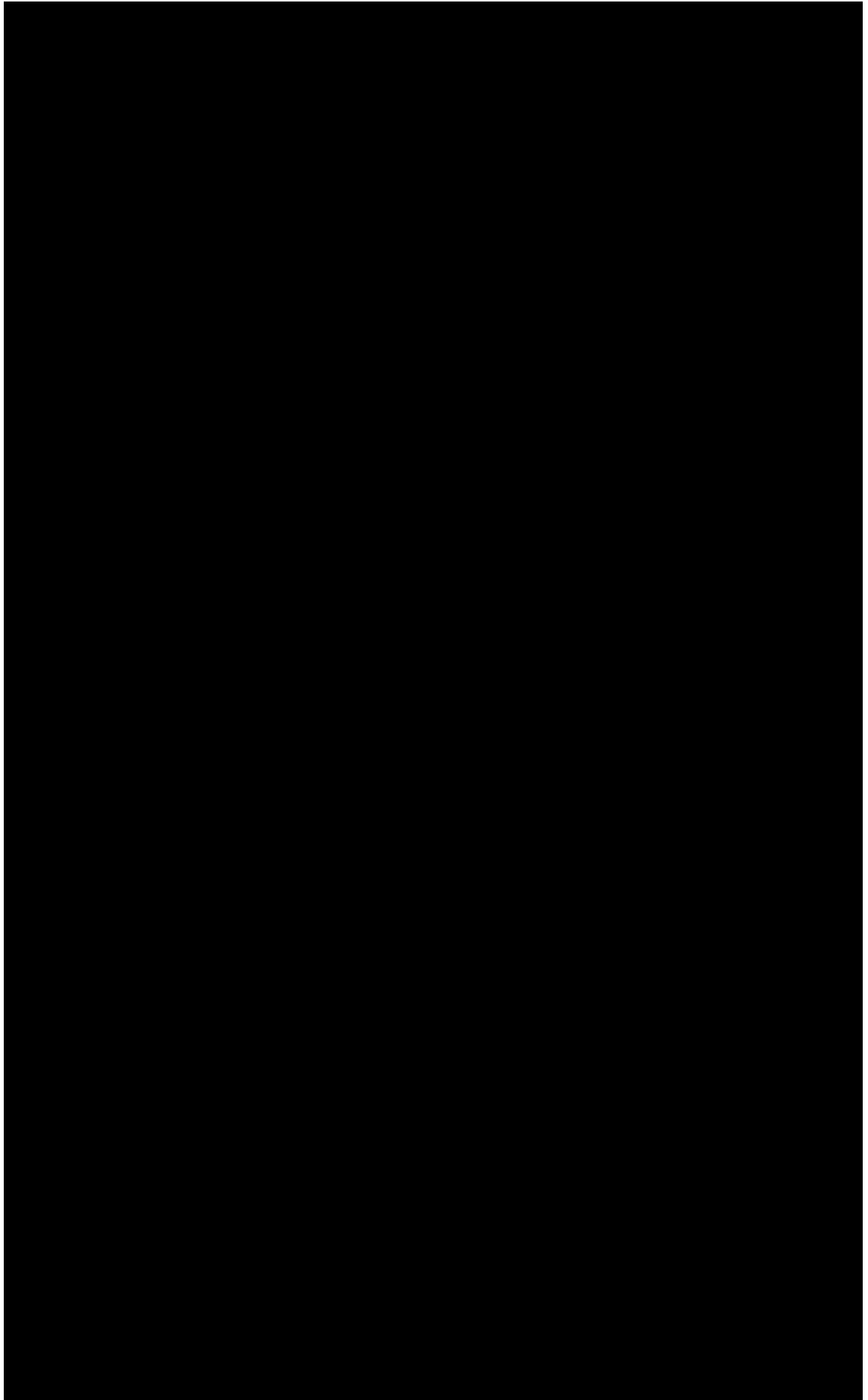
1 what period to what period that you were
2 involved in making that decision?

3 A. It would probably be from
4 the beginning of the process till I left.

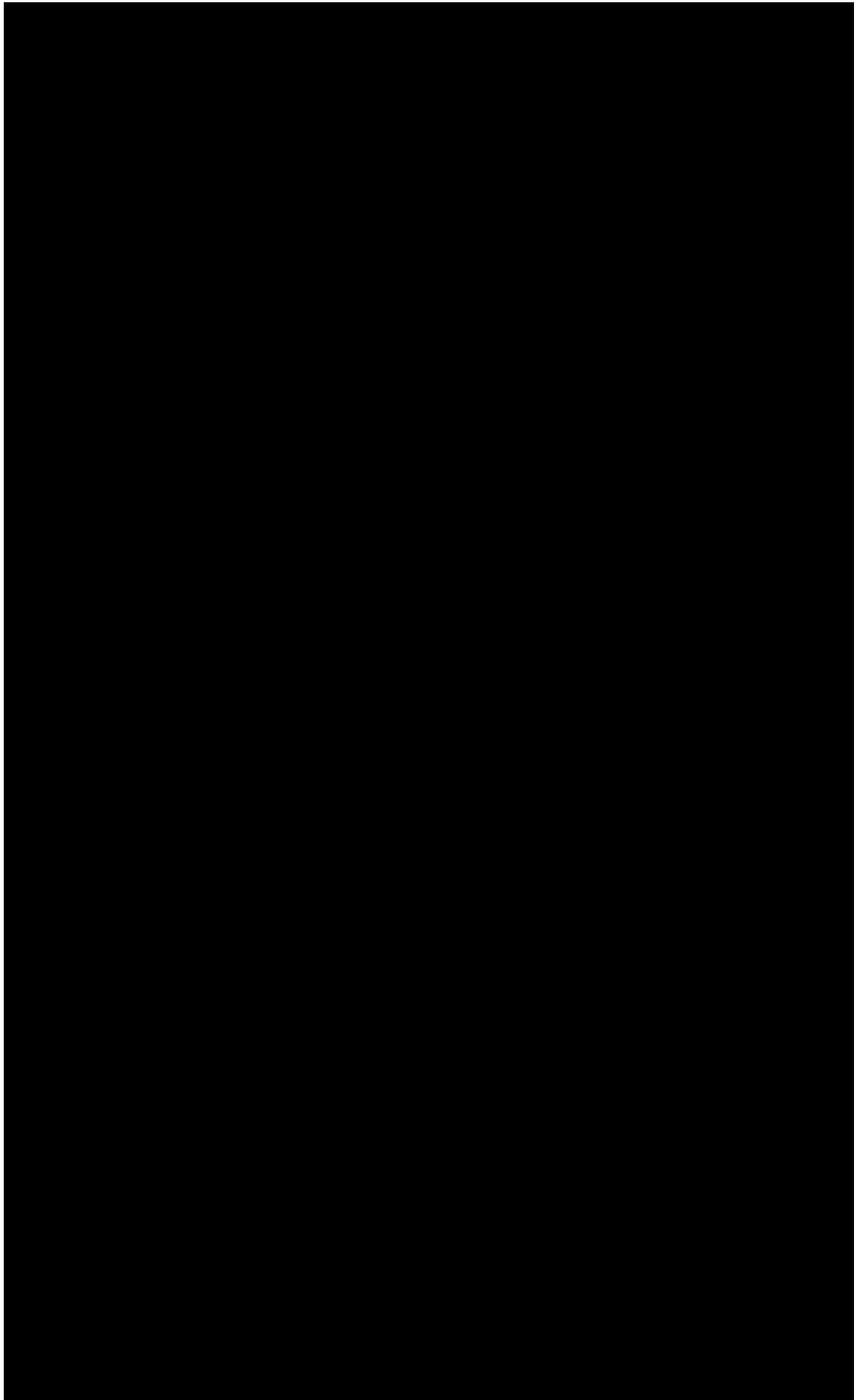
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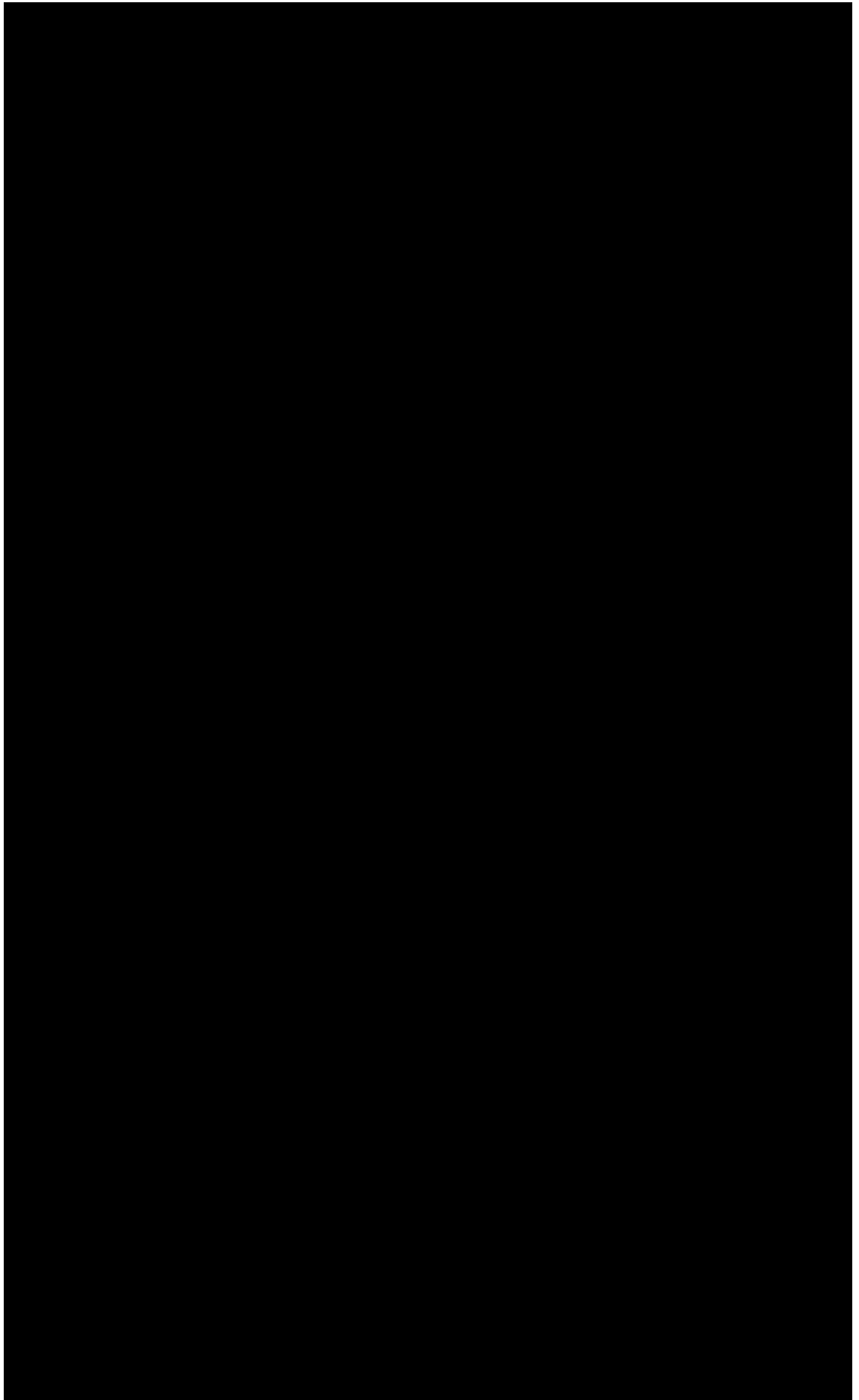
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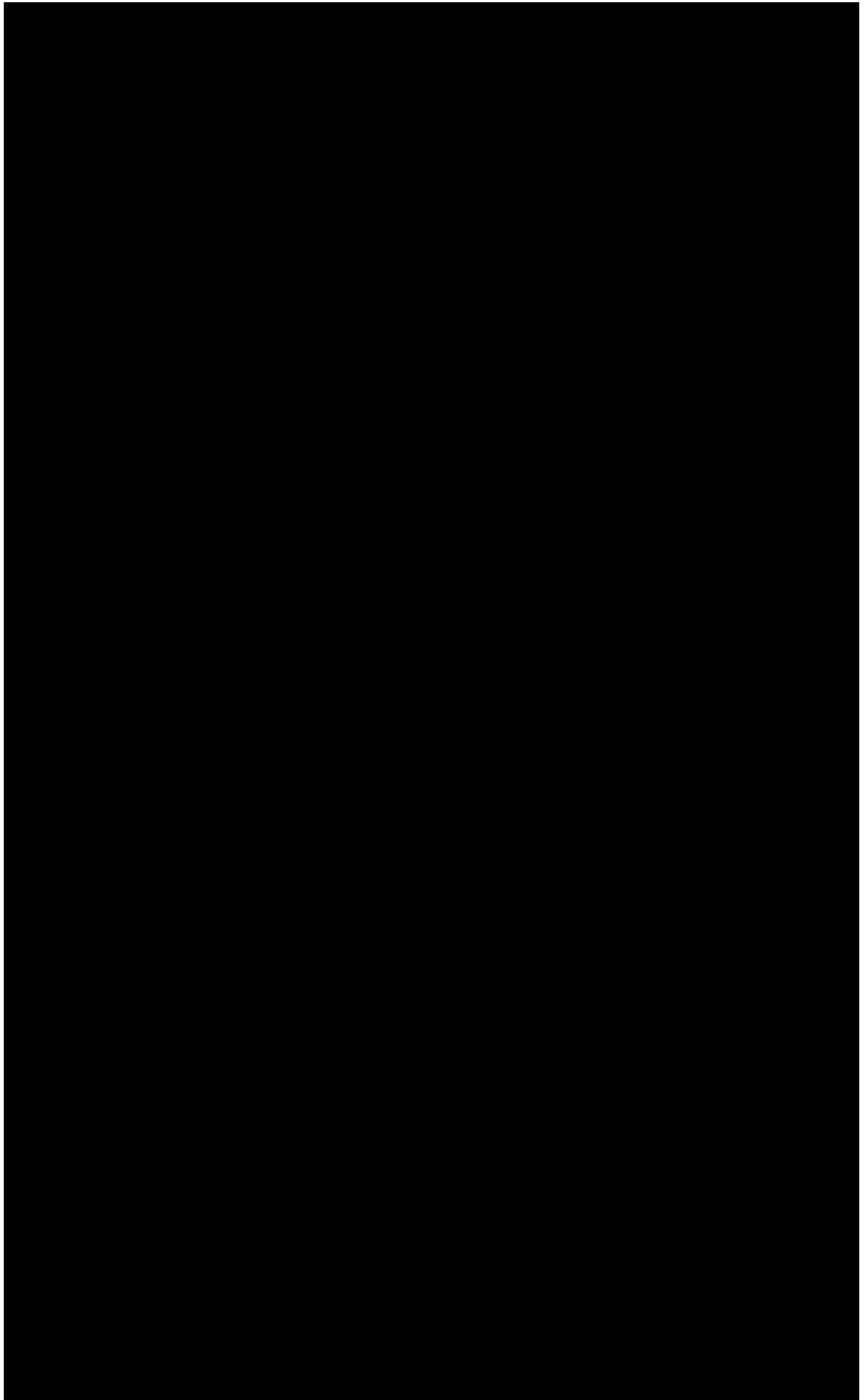
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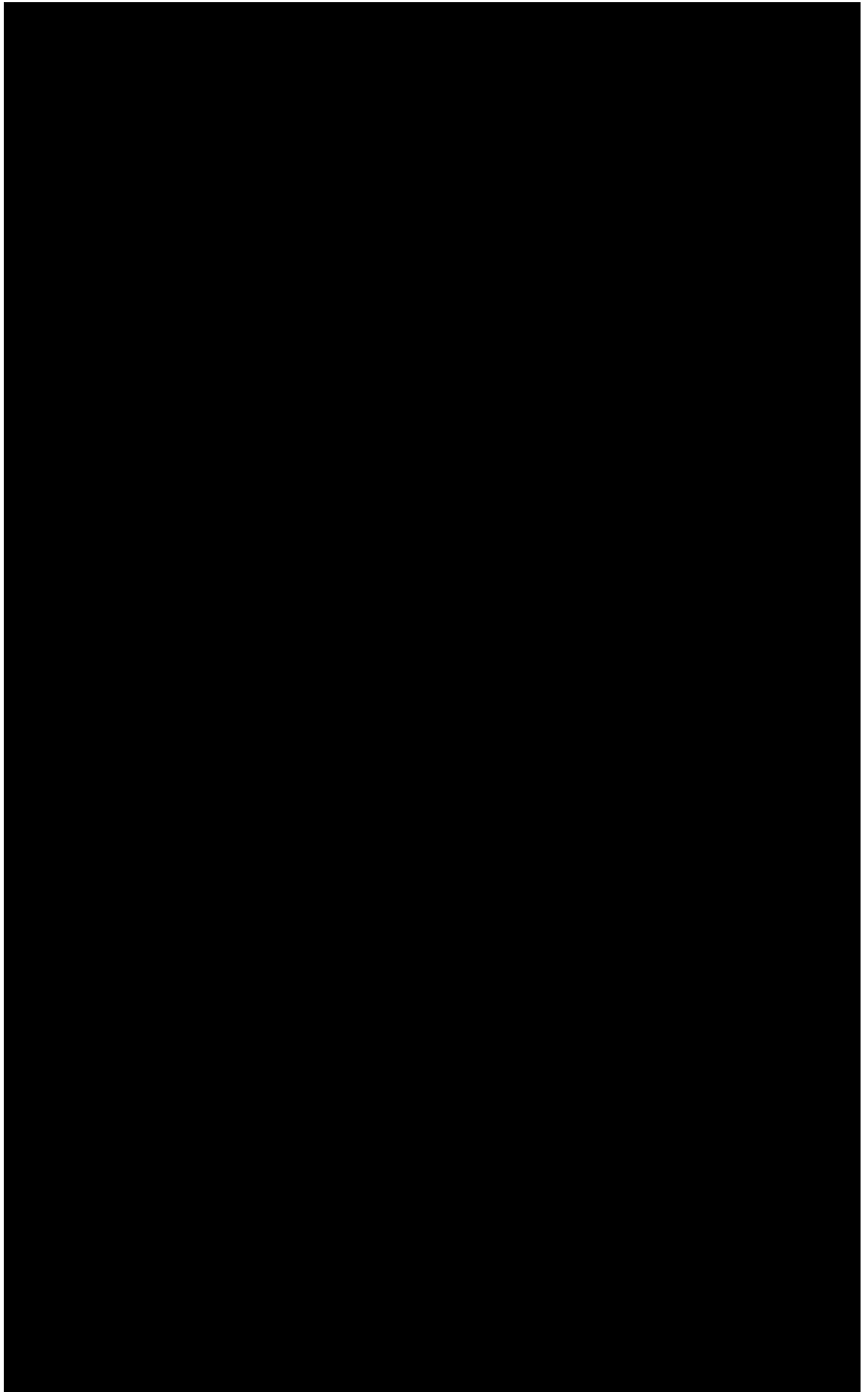
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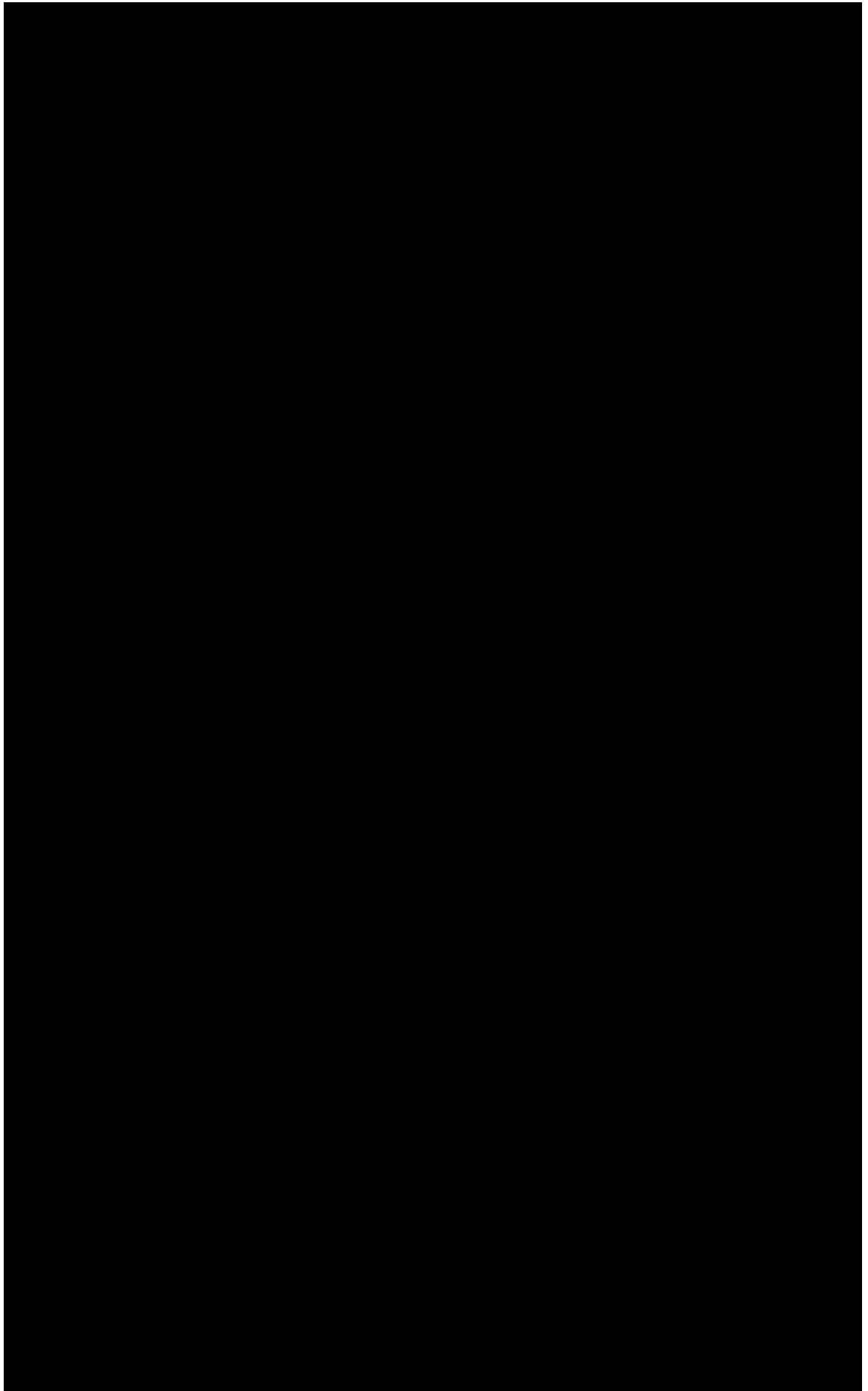
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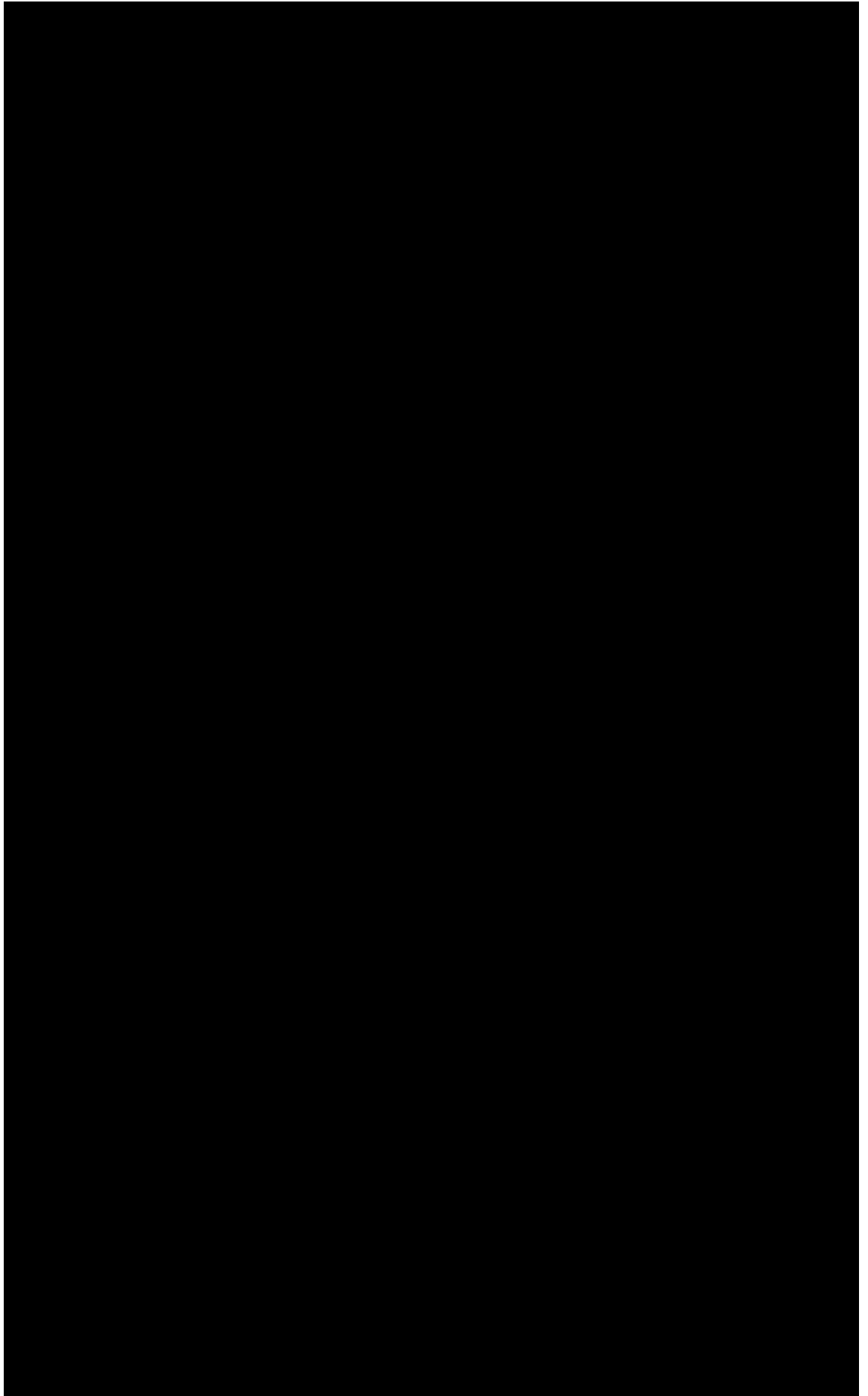
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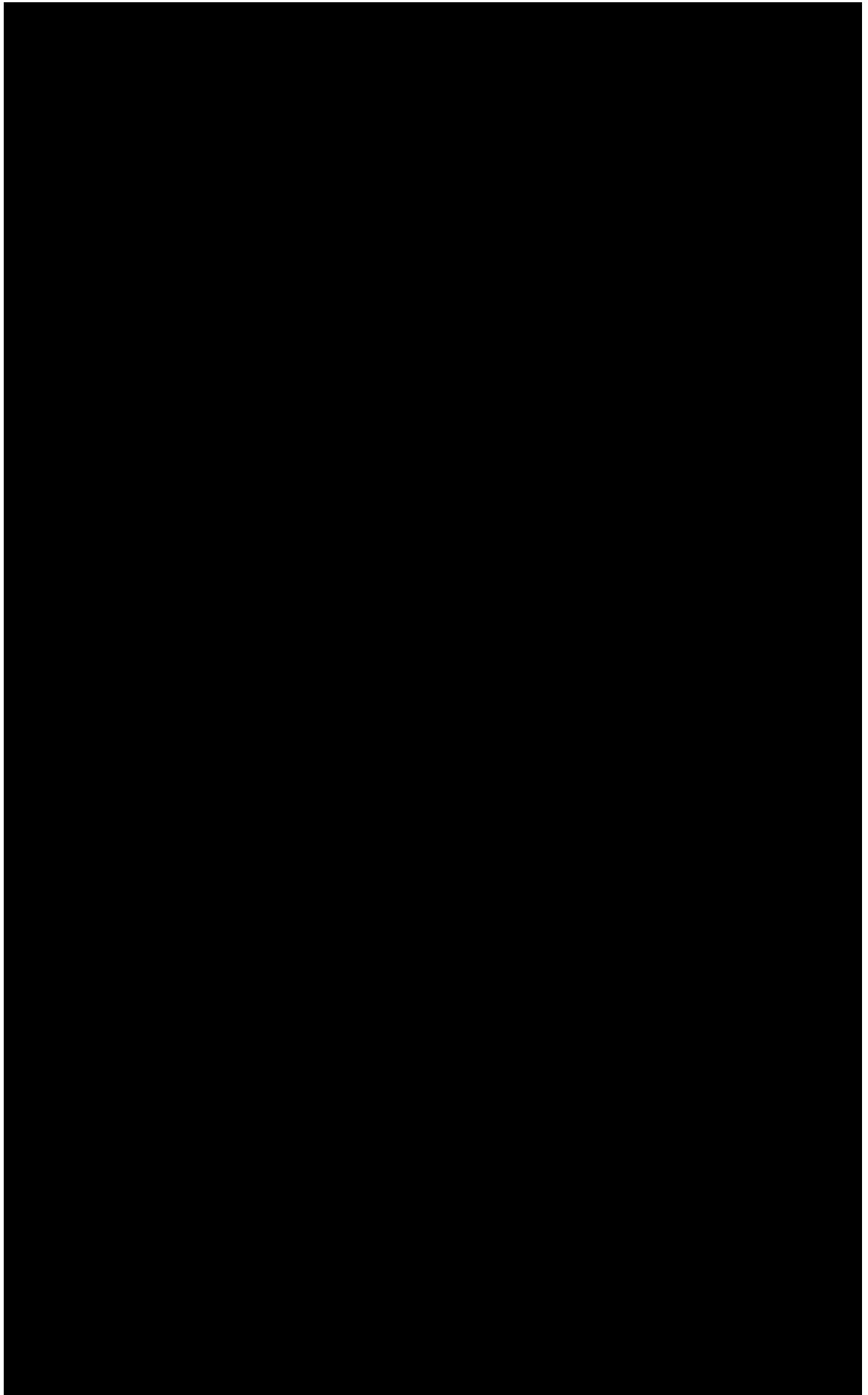
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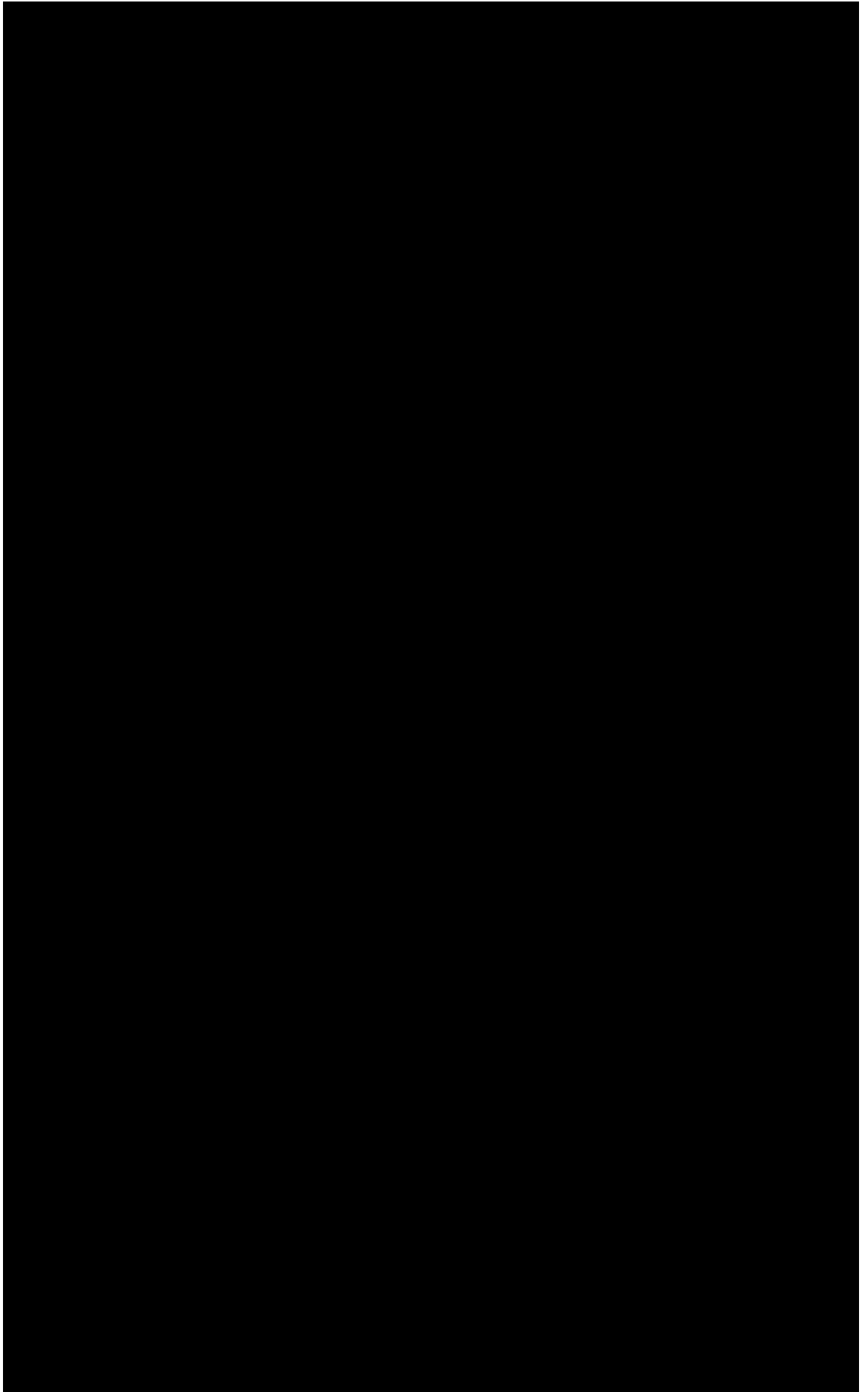
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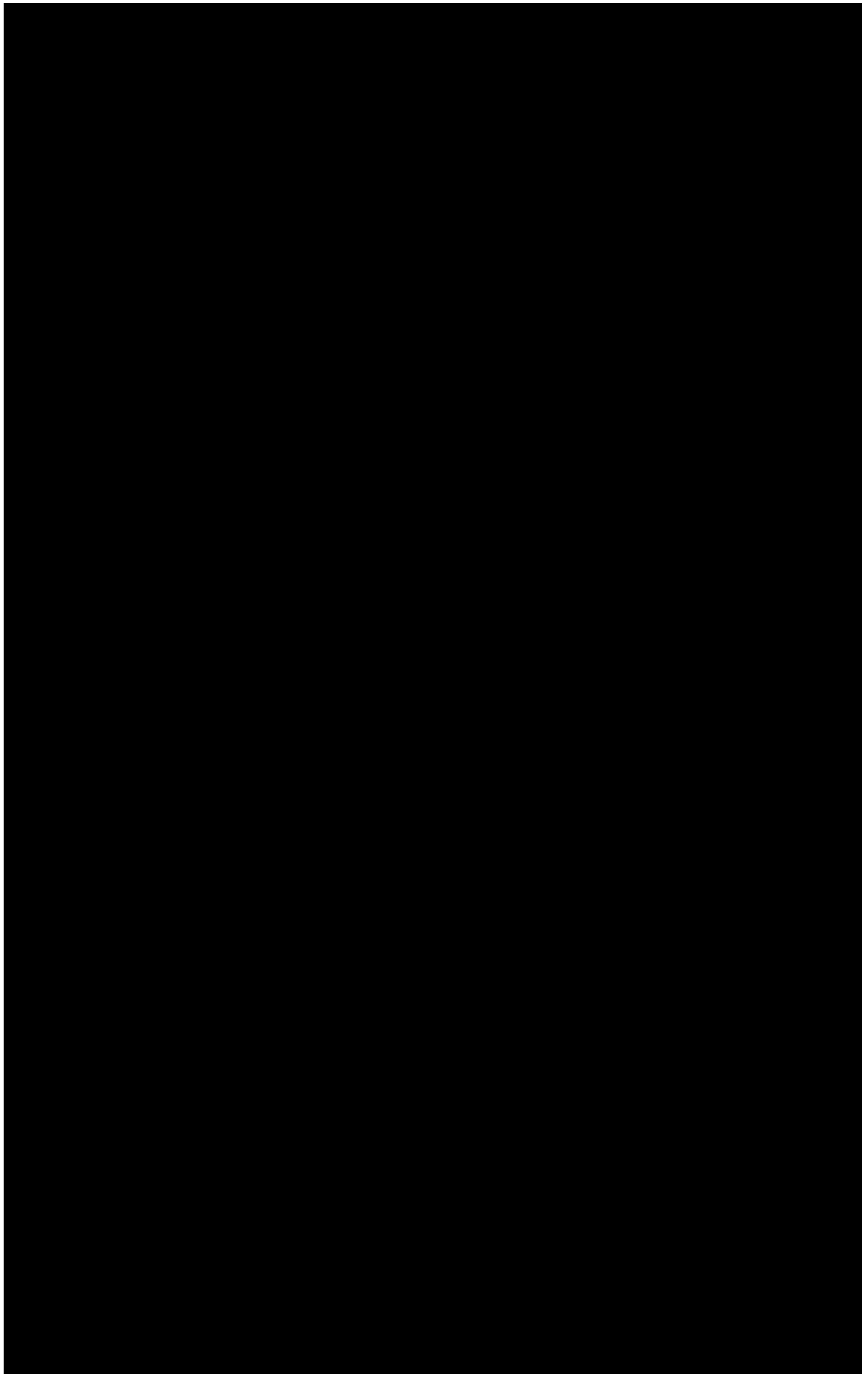
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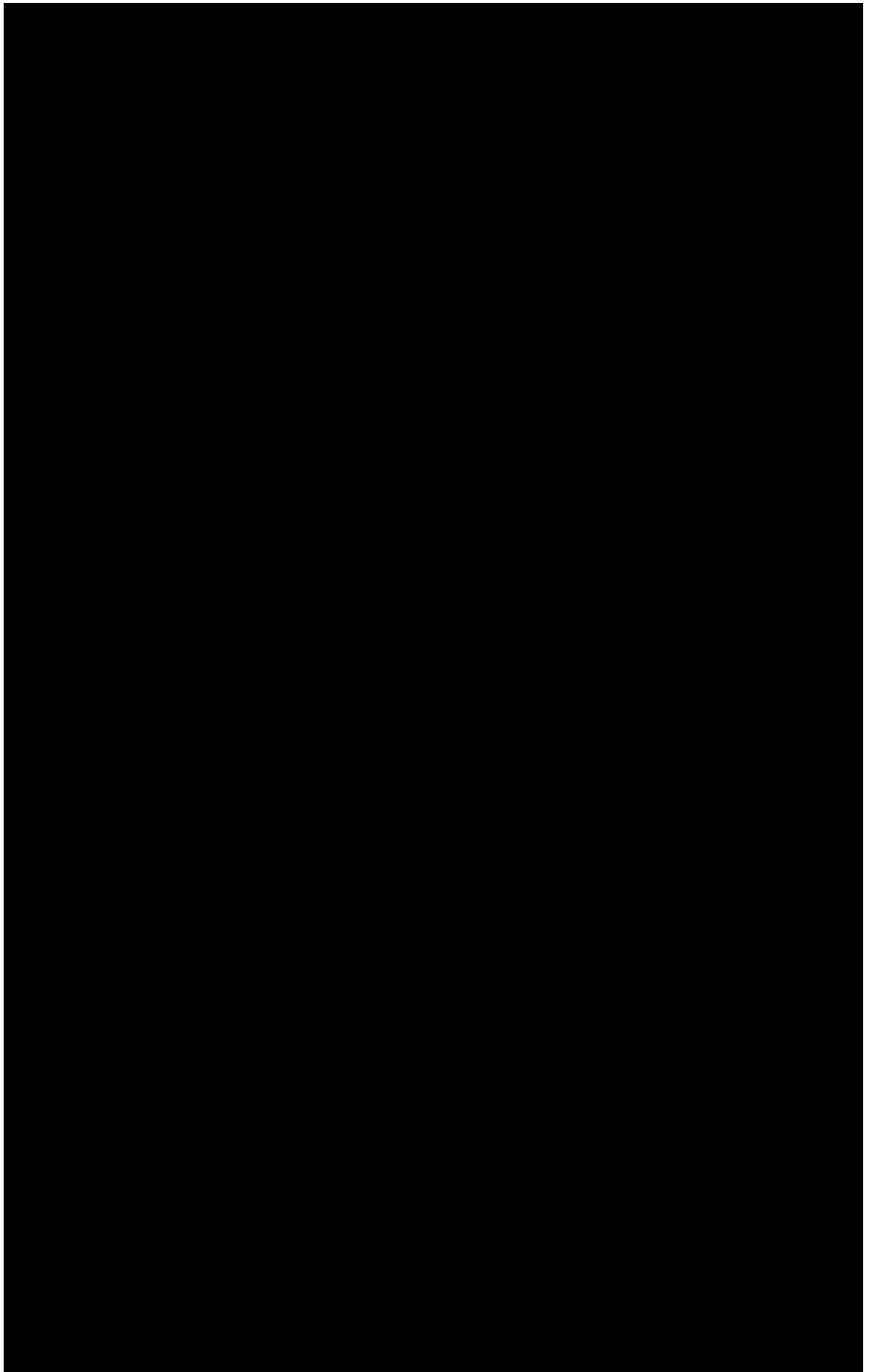
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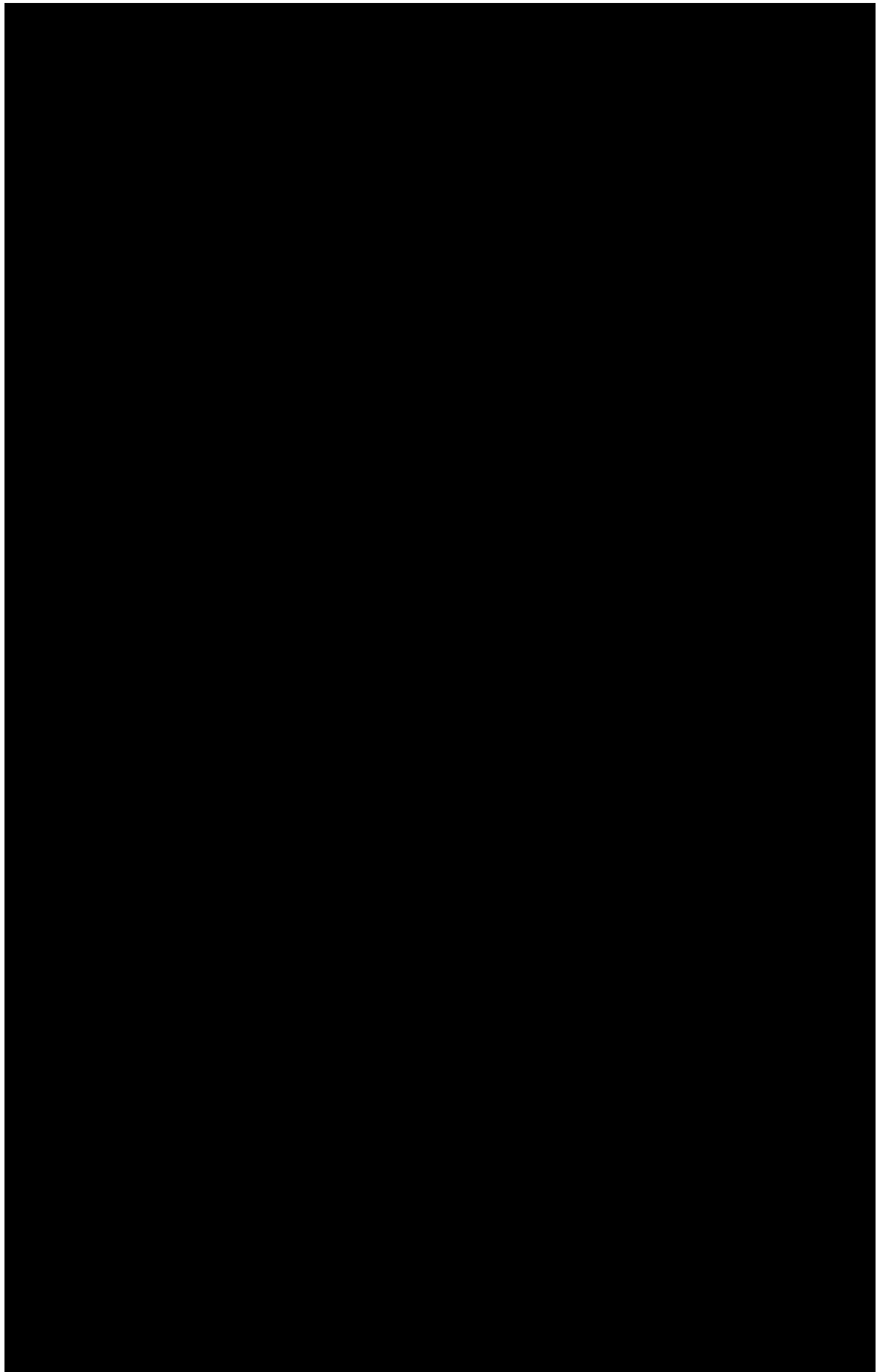
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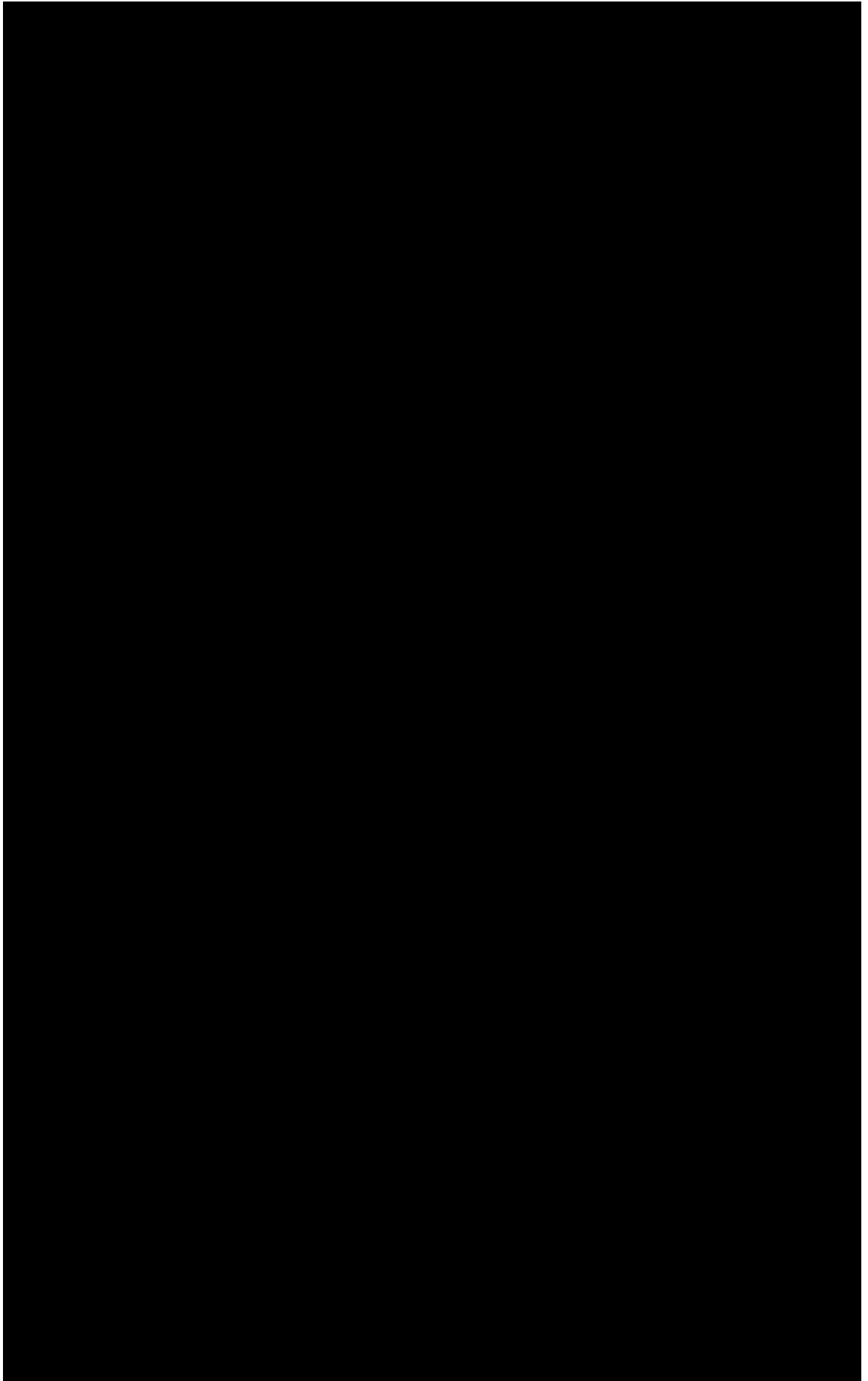
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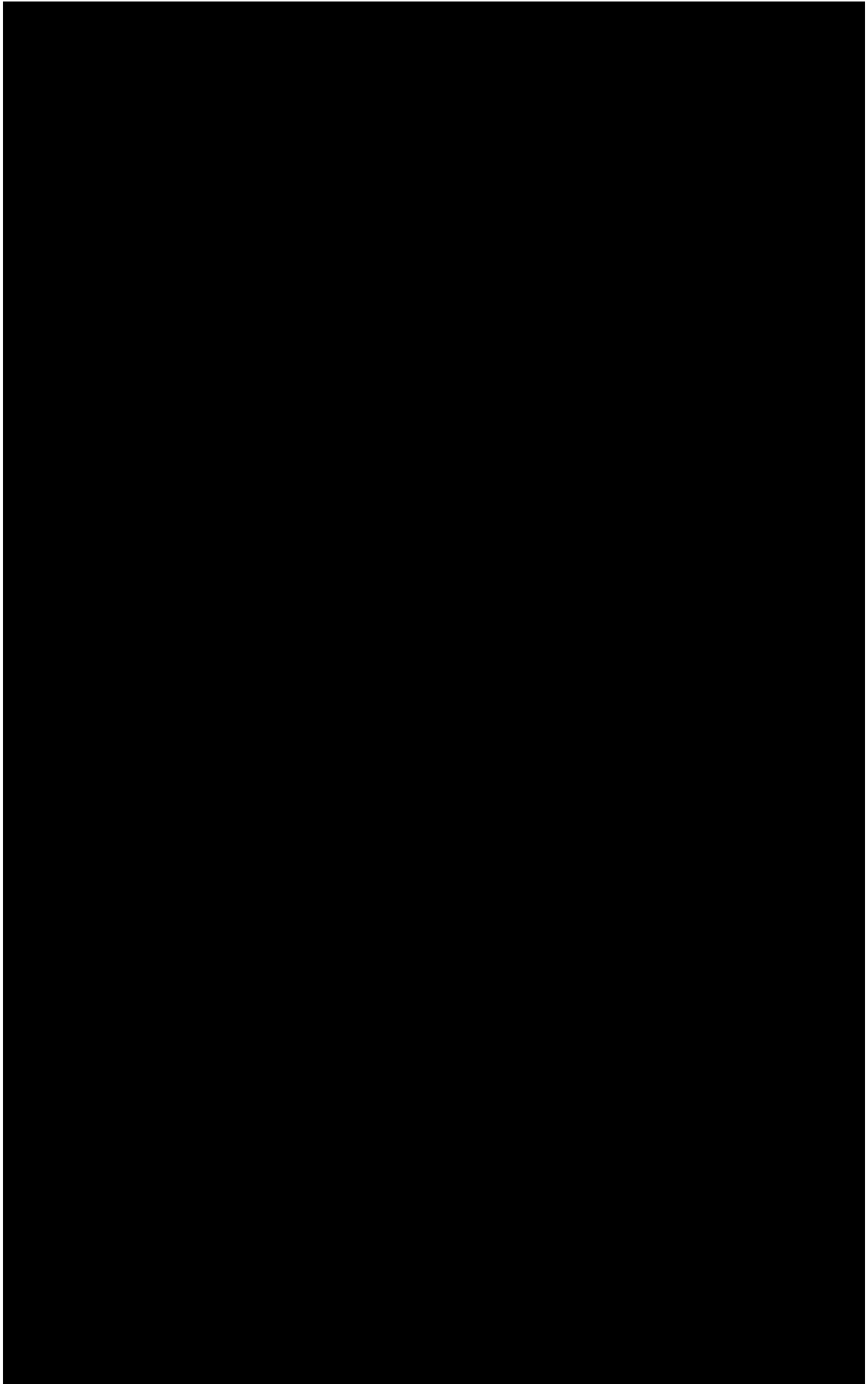
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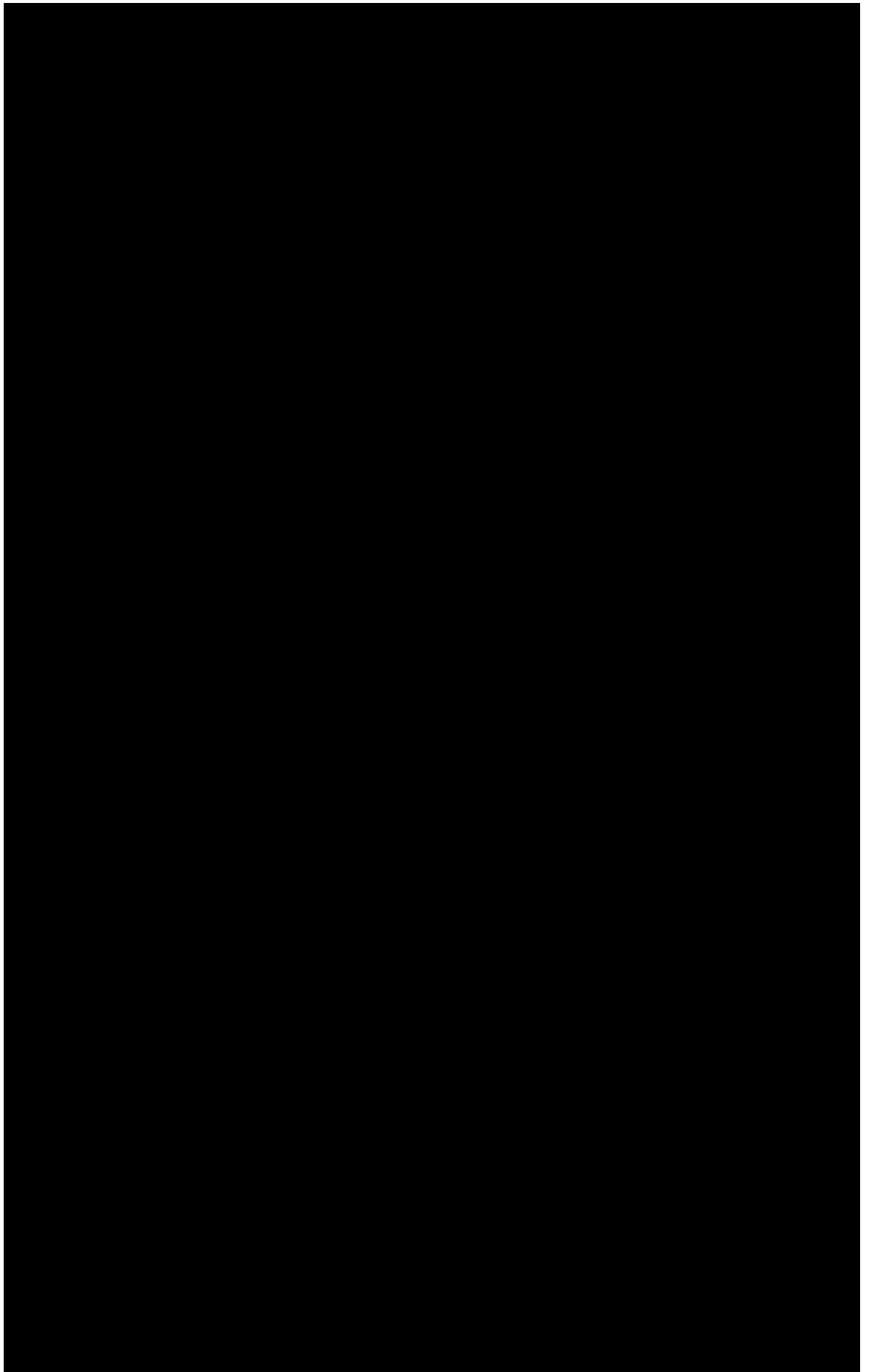
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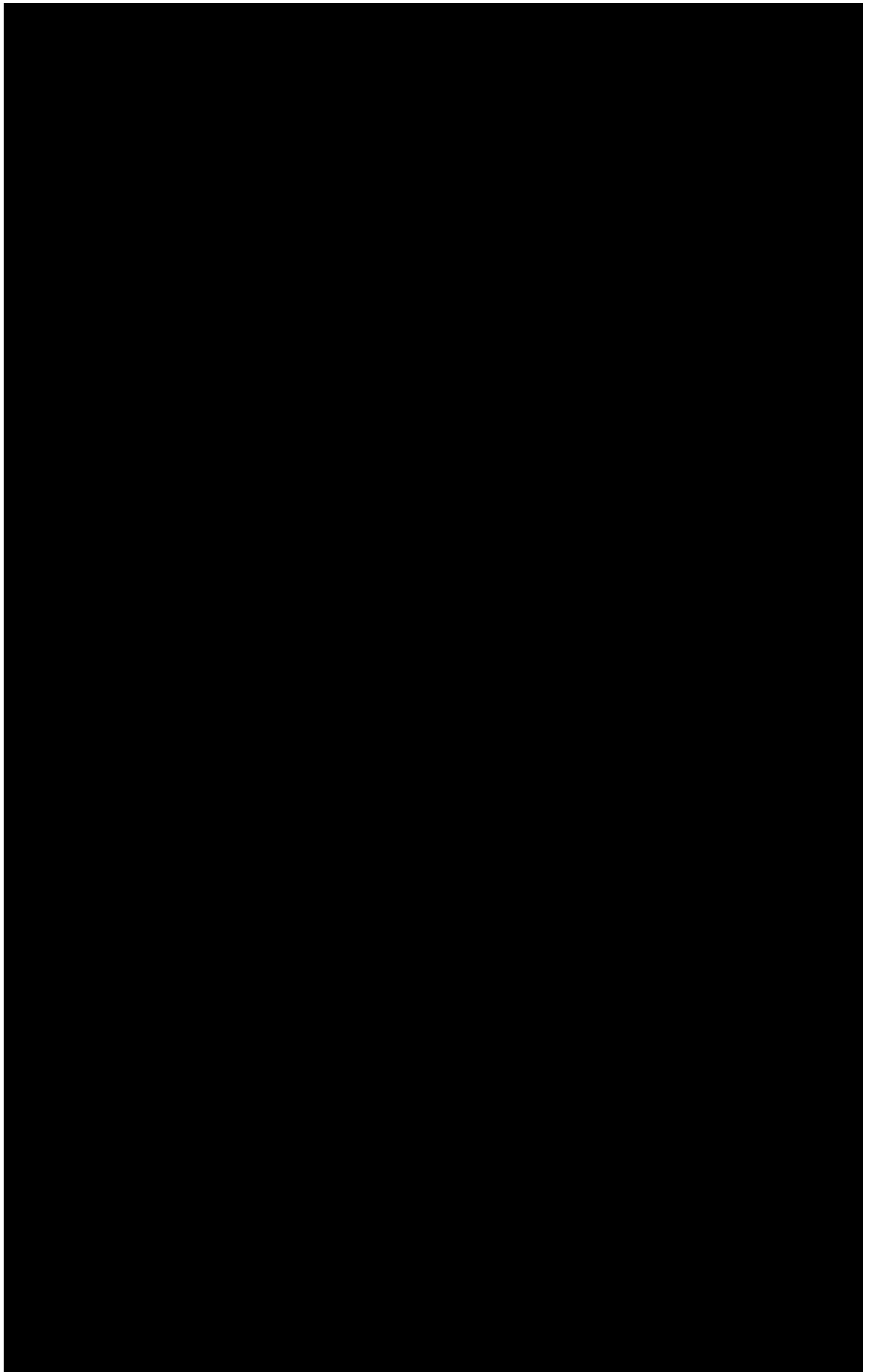
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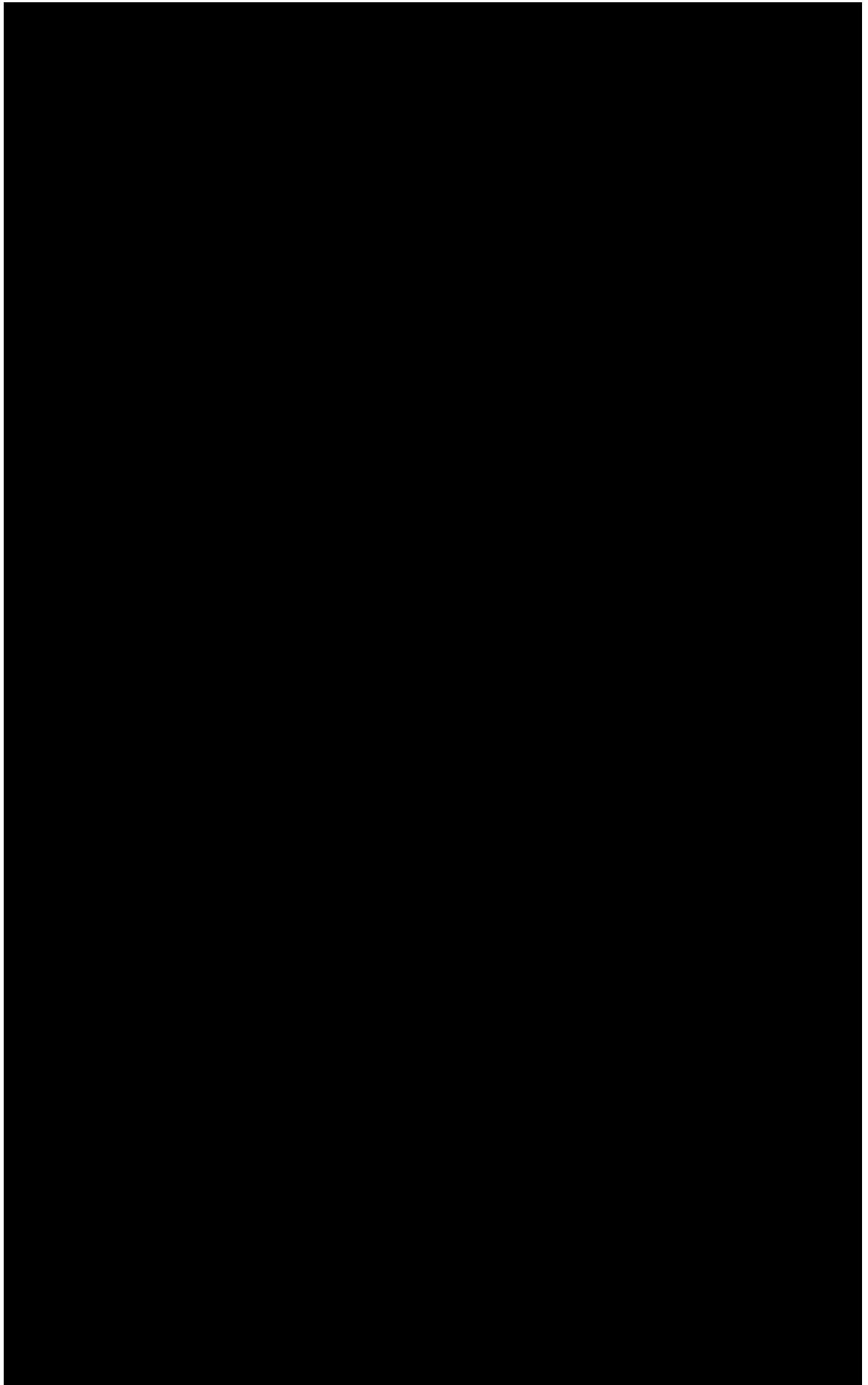
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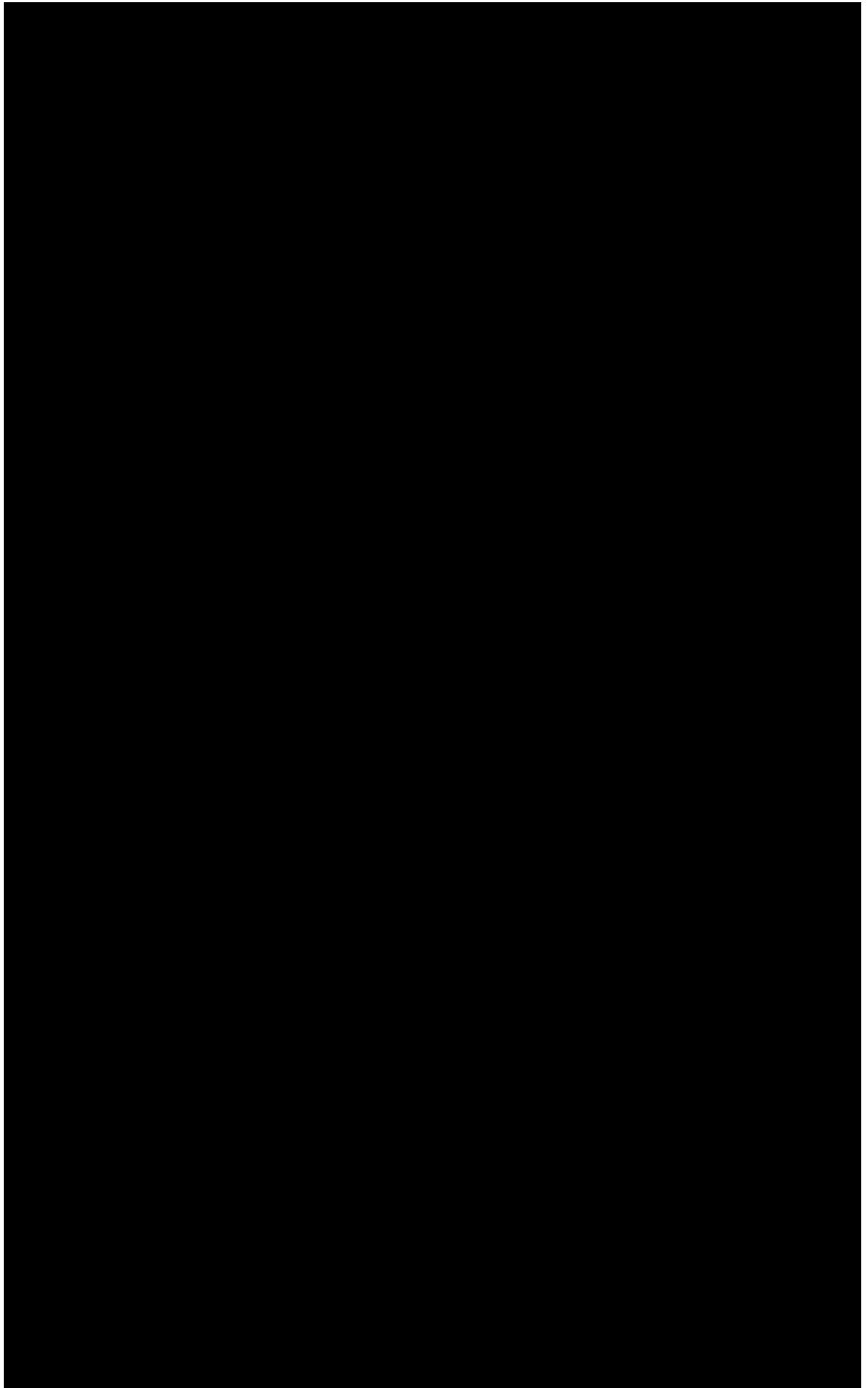
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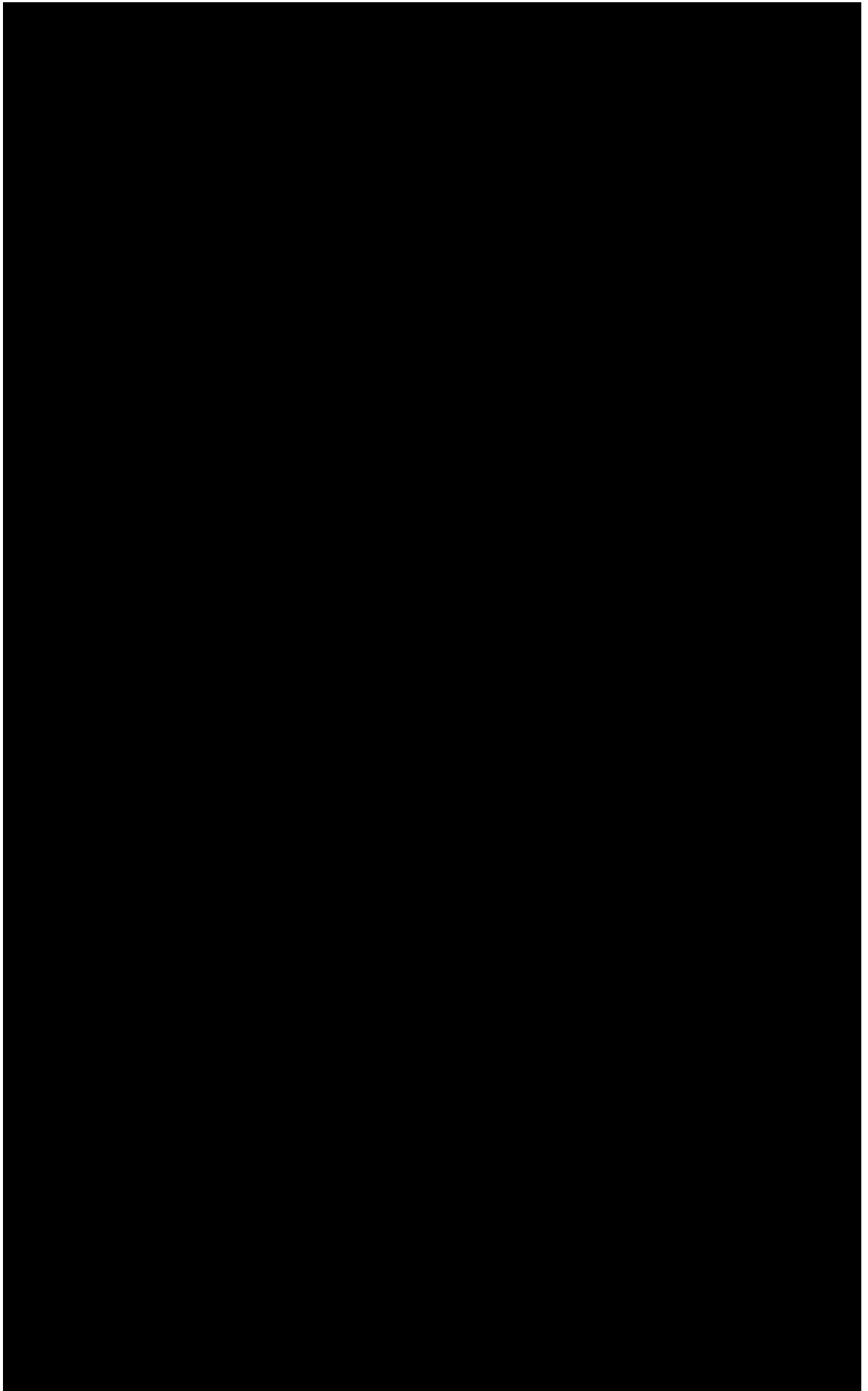
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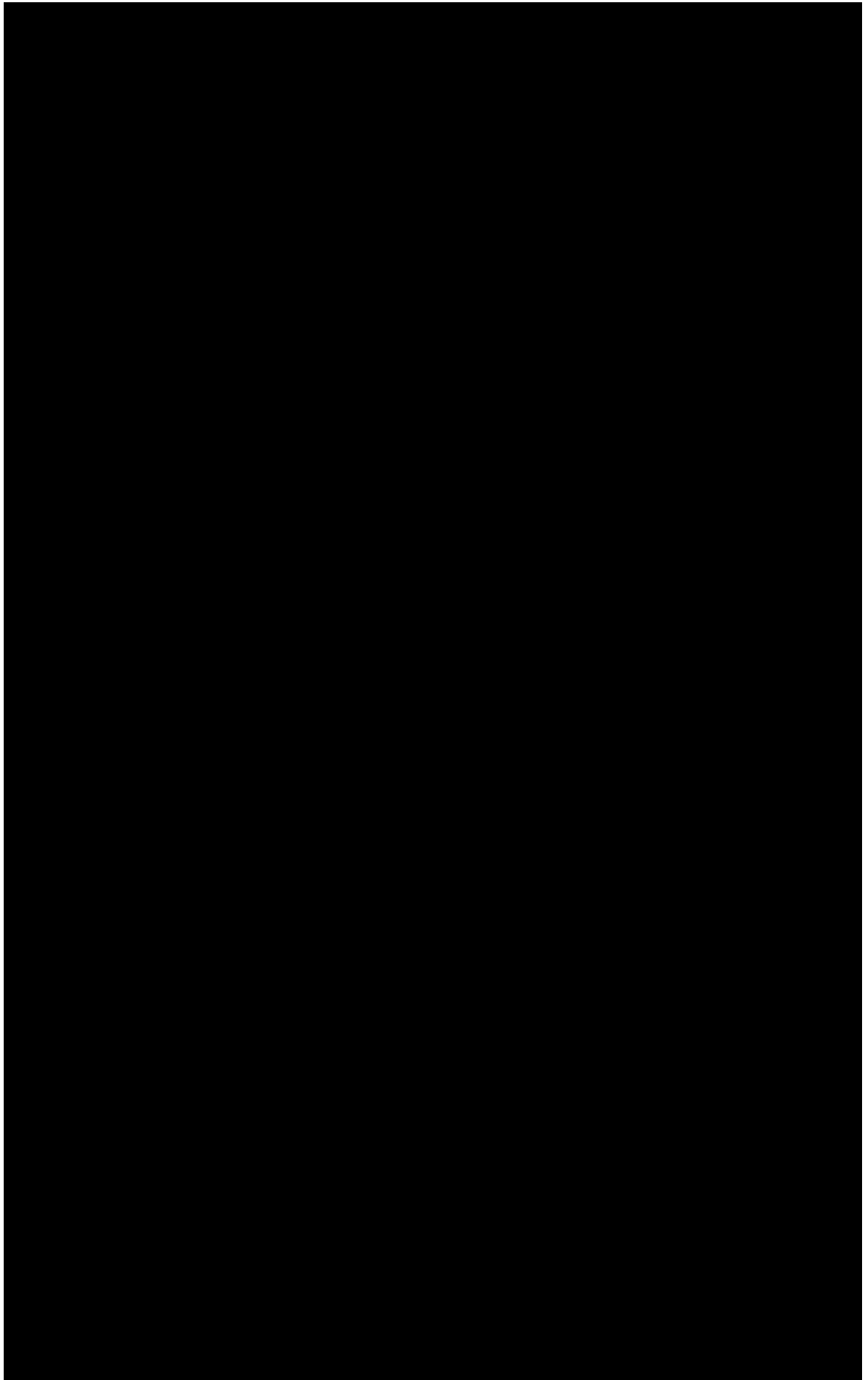
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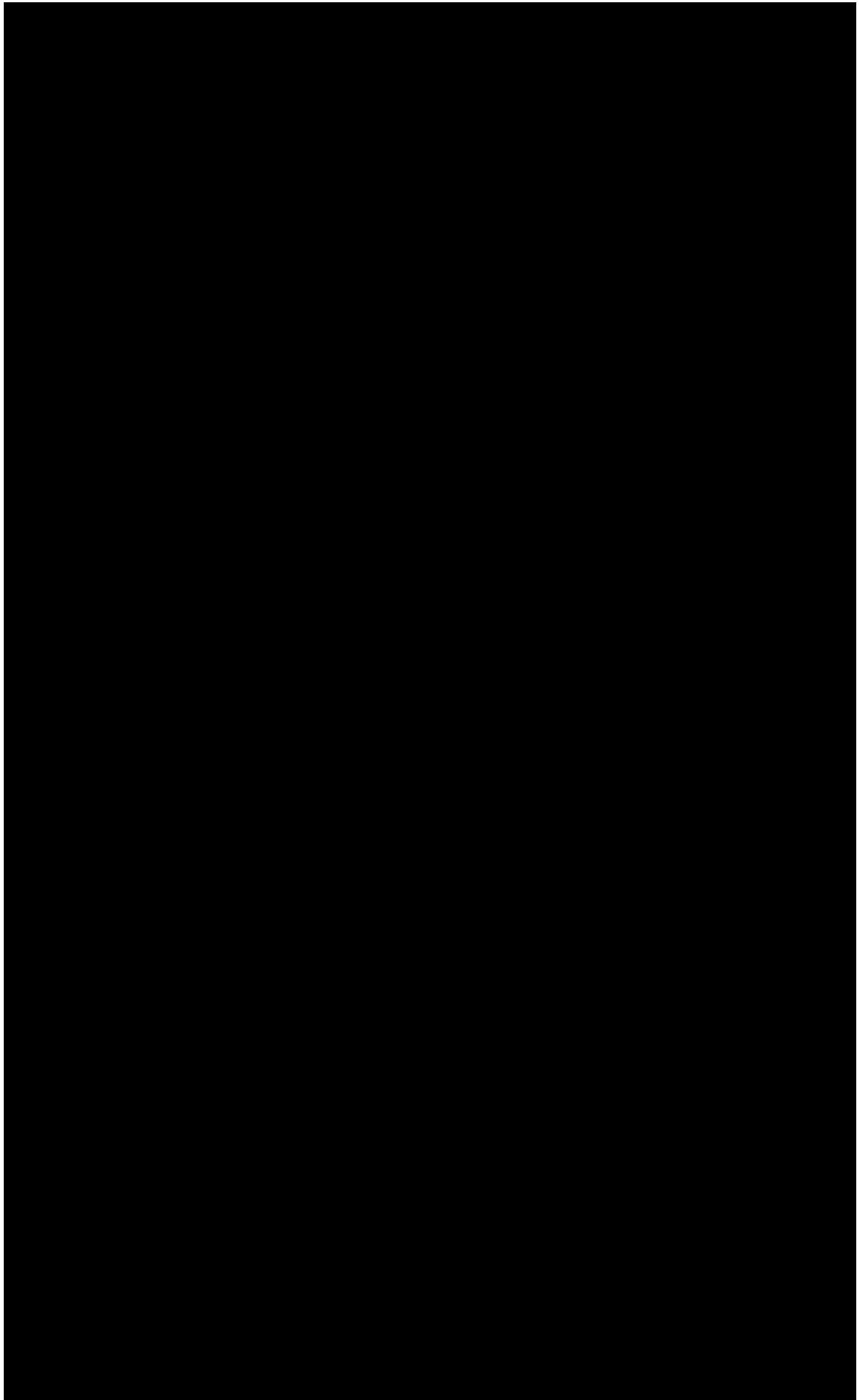
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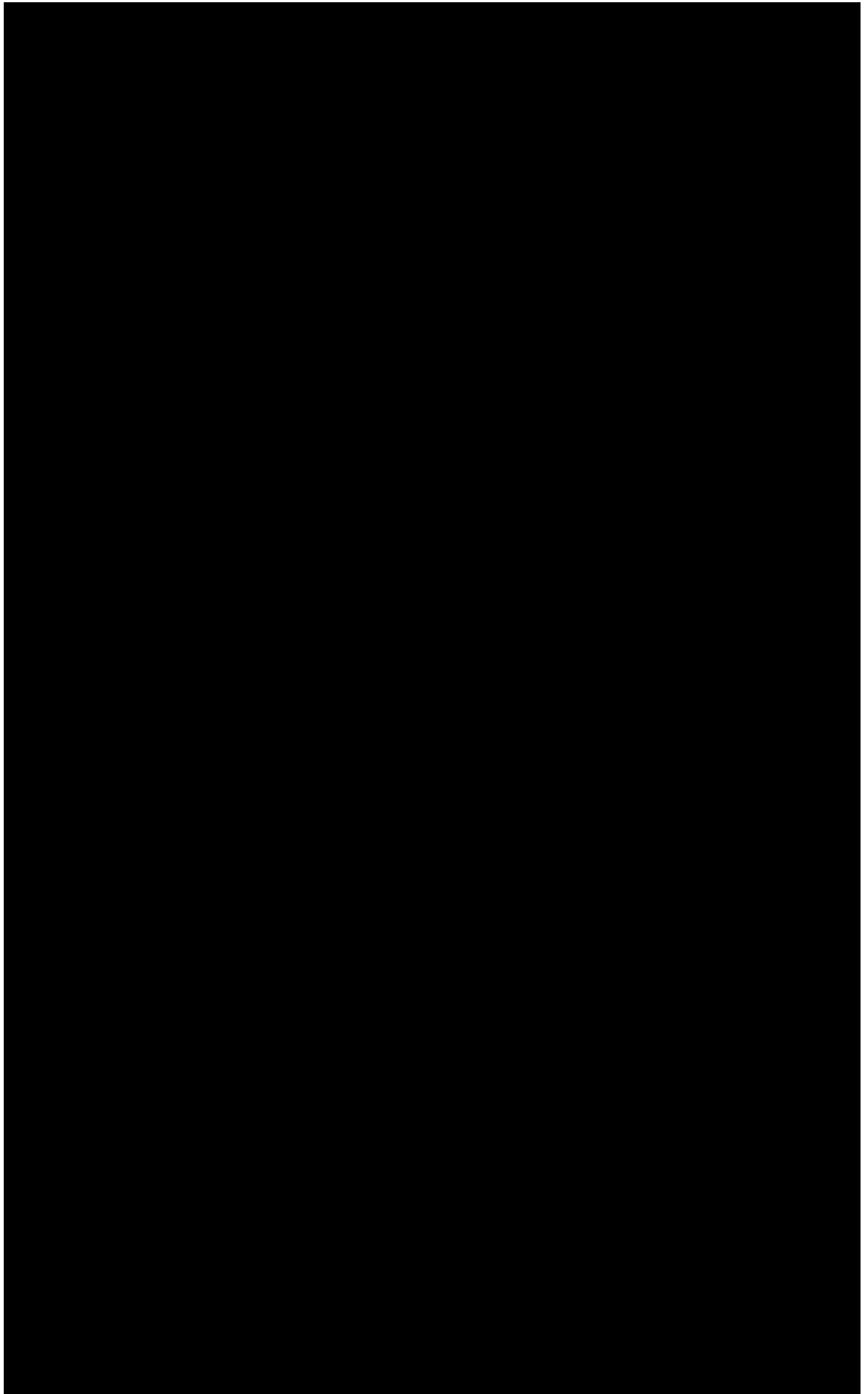
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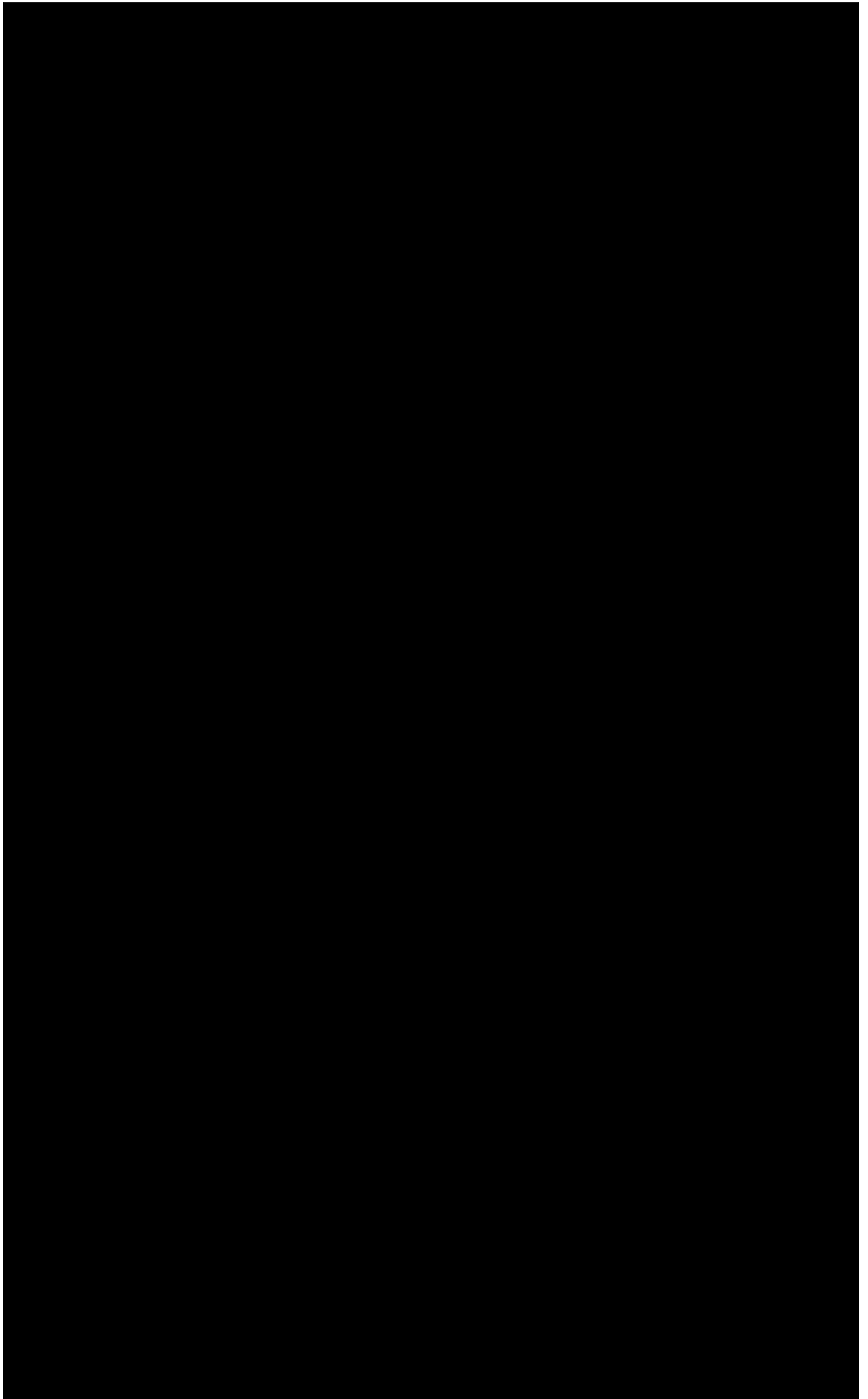
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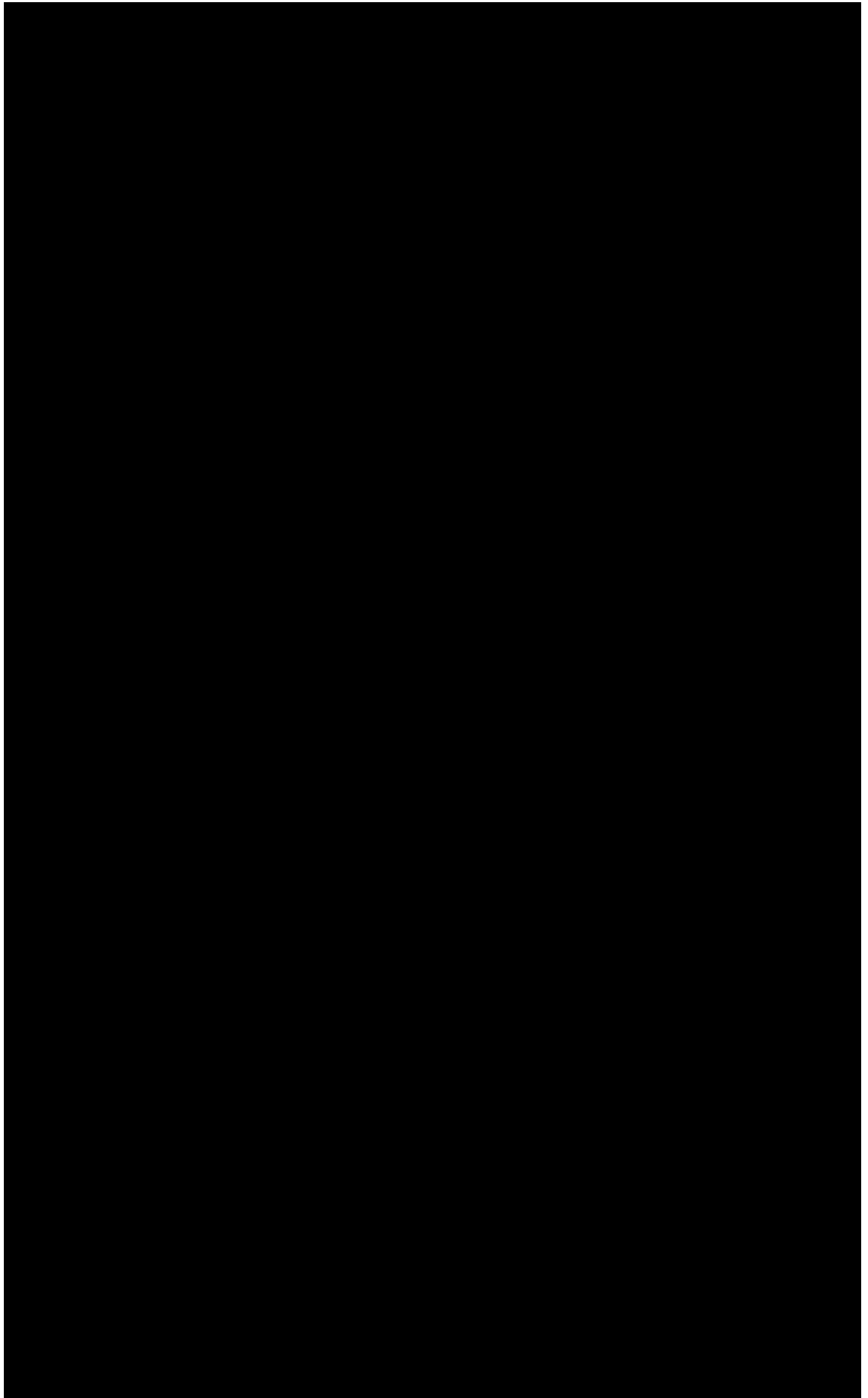
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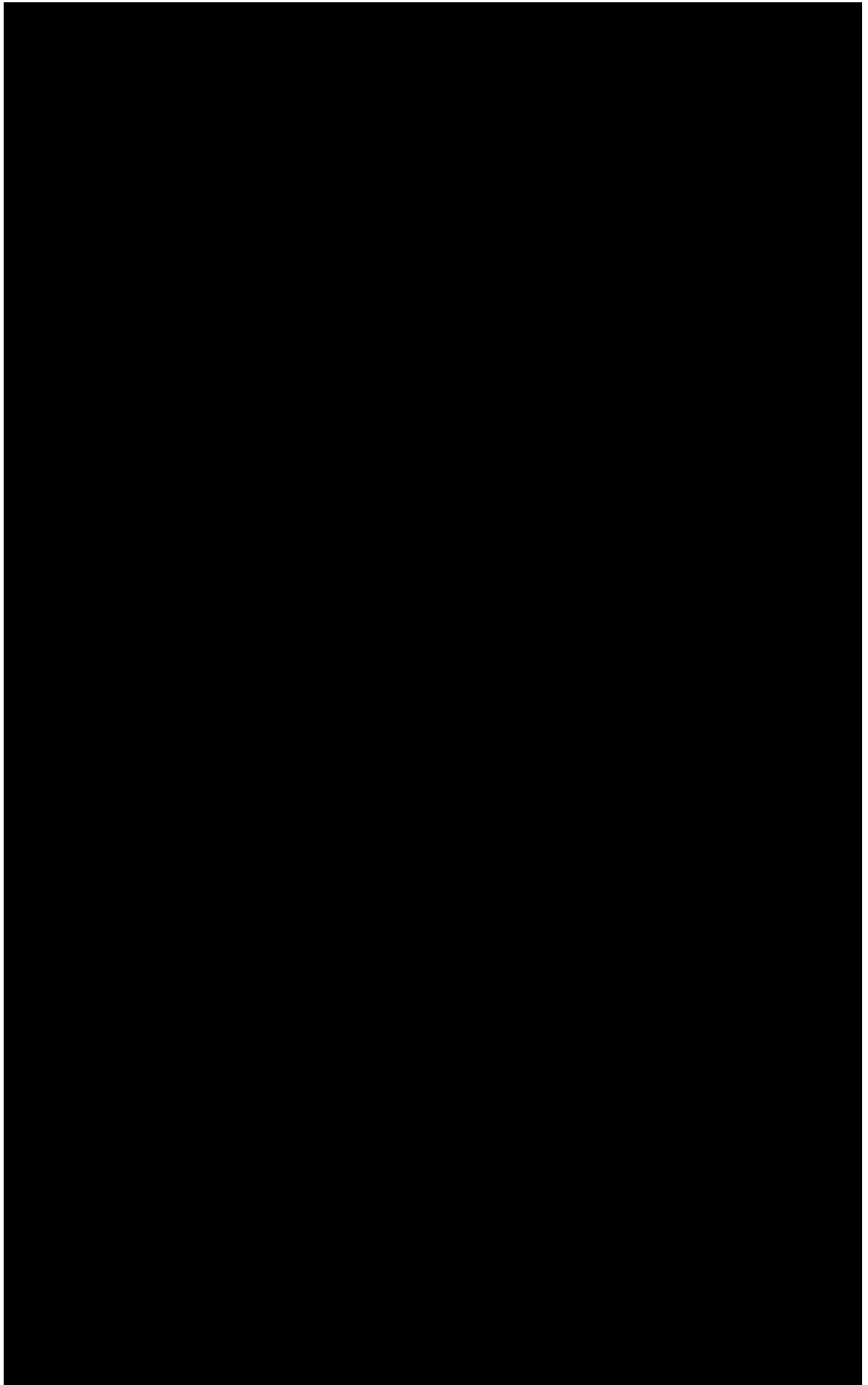
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15 Q. Okay. During the time that
16 you were there --

17 MR. BAKER: Let's take a
18 break for just one second. I've
19 got to --

20 MS. MILLER: Can we actually
21 take -- I think we've been going
22 for a while. Can we take a little
23 bit of a break?

24 MR. BAKER: Okay. Do you

1 want to take a little bit of a
2 break?

3 MS. MILLER: Yeah.

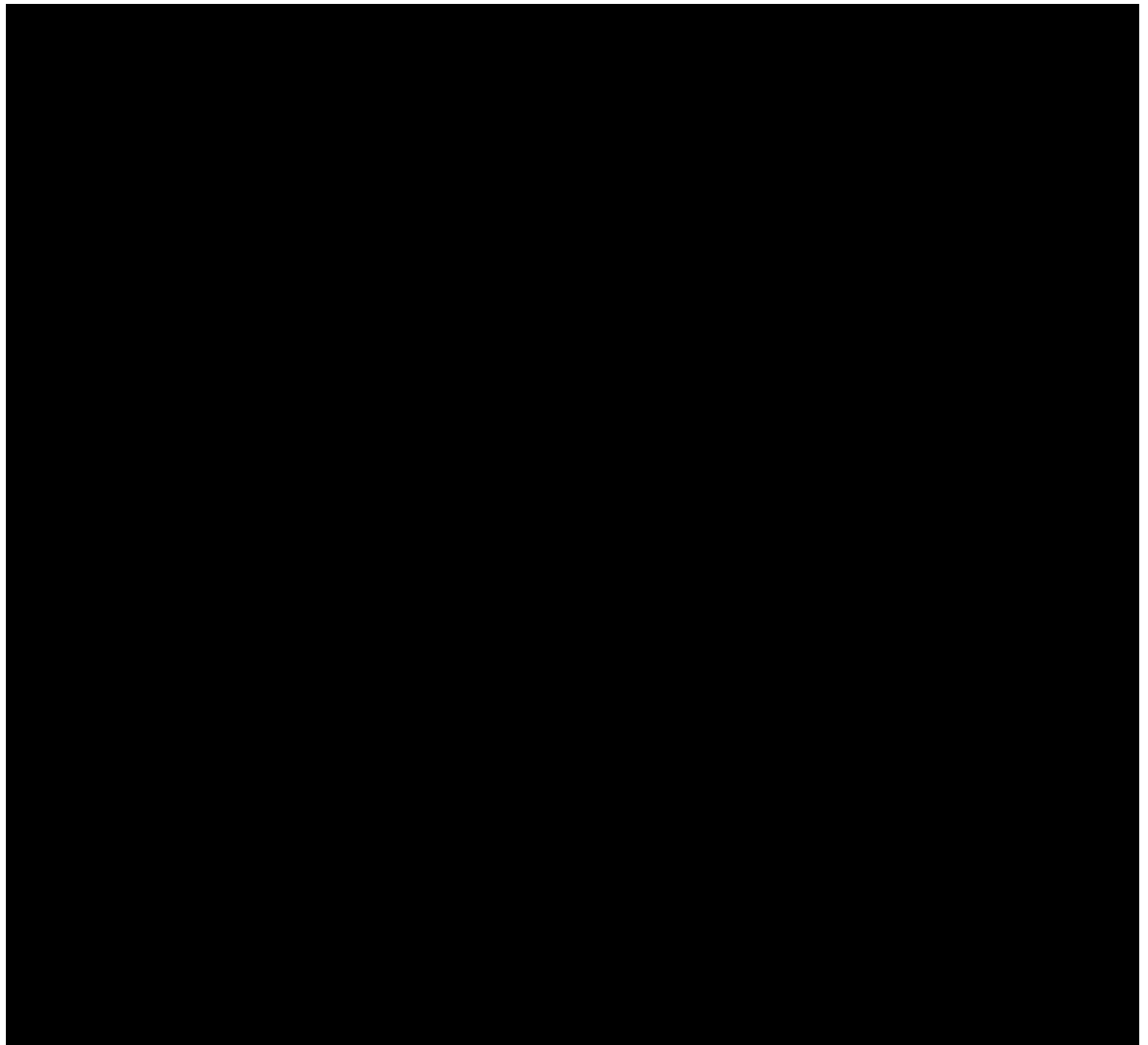
4 MR. BAKER: Okay.

5 THE VIDEOGRAPHER: Off the
6 record. 11:32.

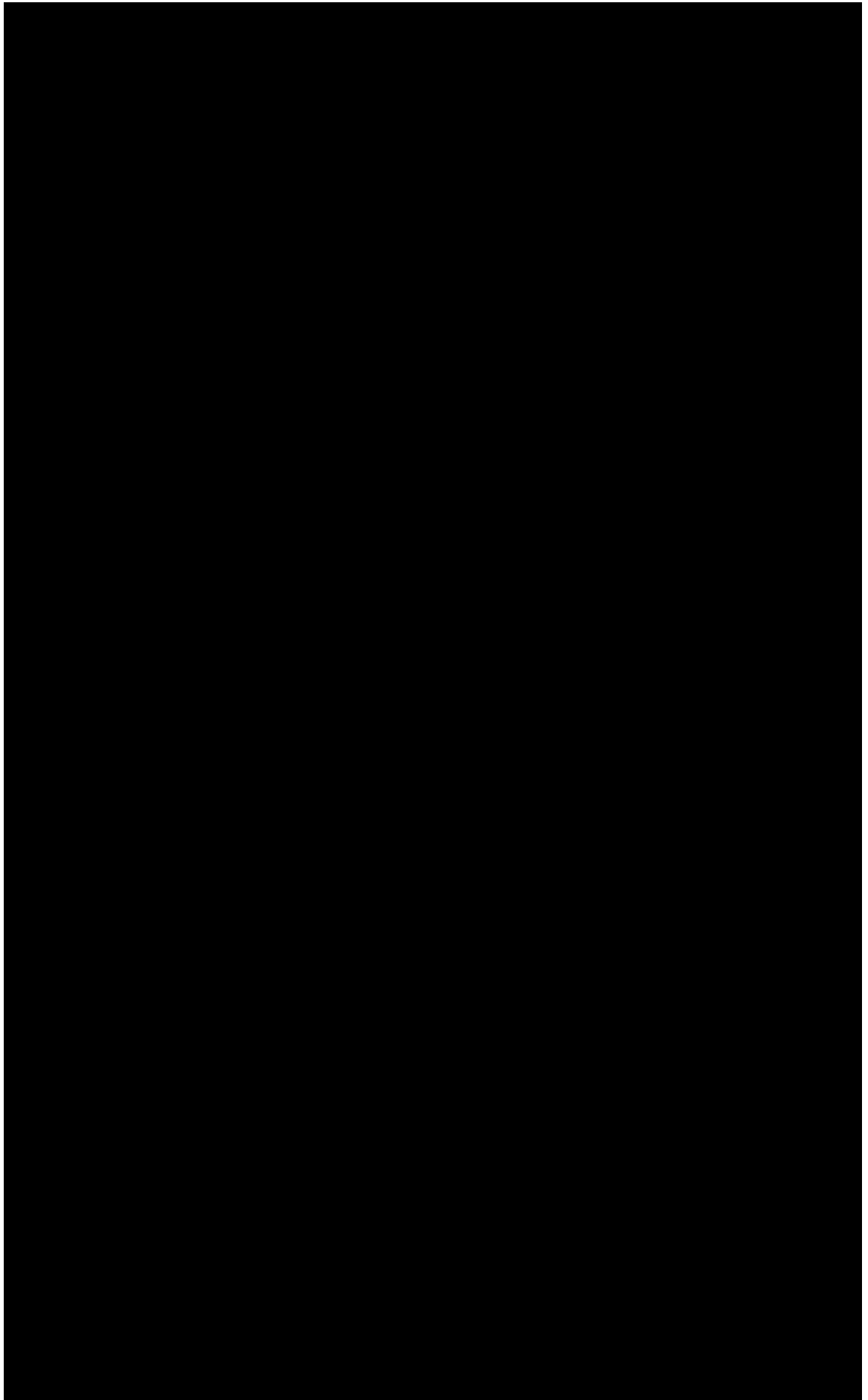
7 (Short break.)

8 THE VIDEOGRAPHER: Back on
9 record. Beginning Media File
10 Number 5. The time is 11:48.

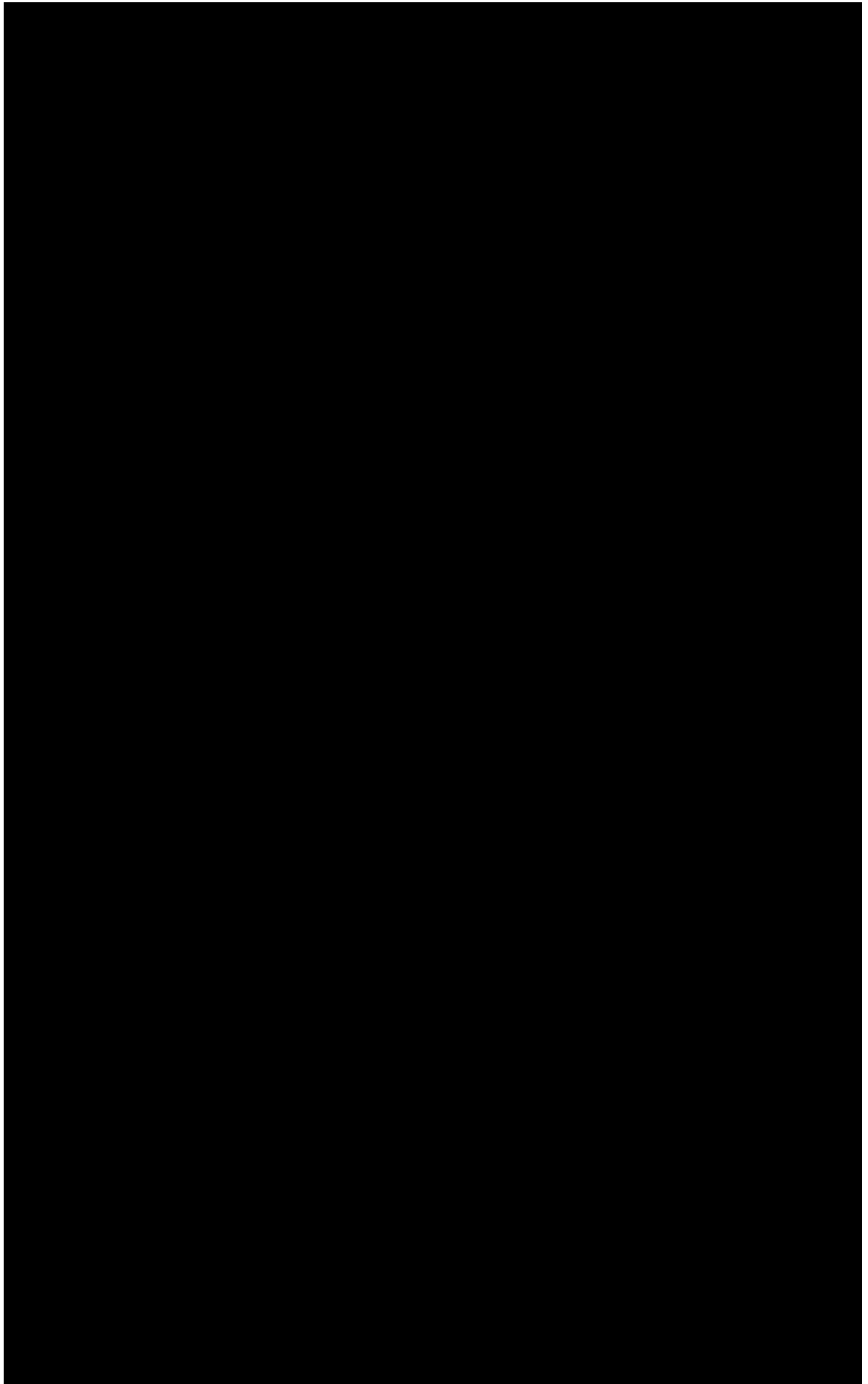
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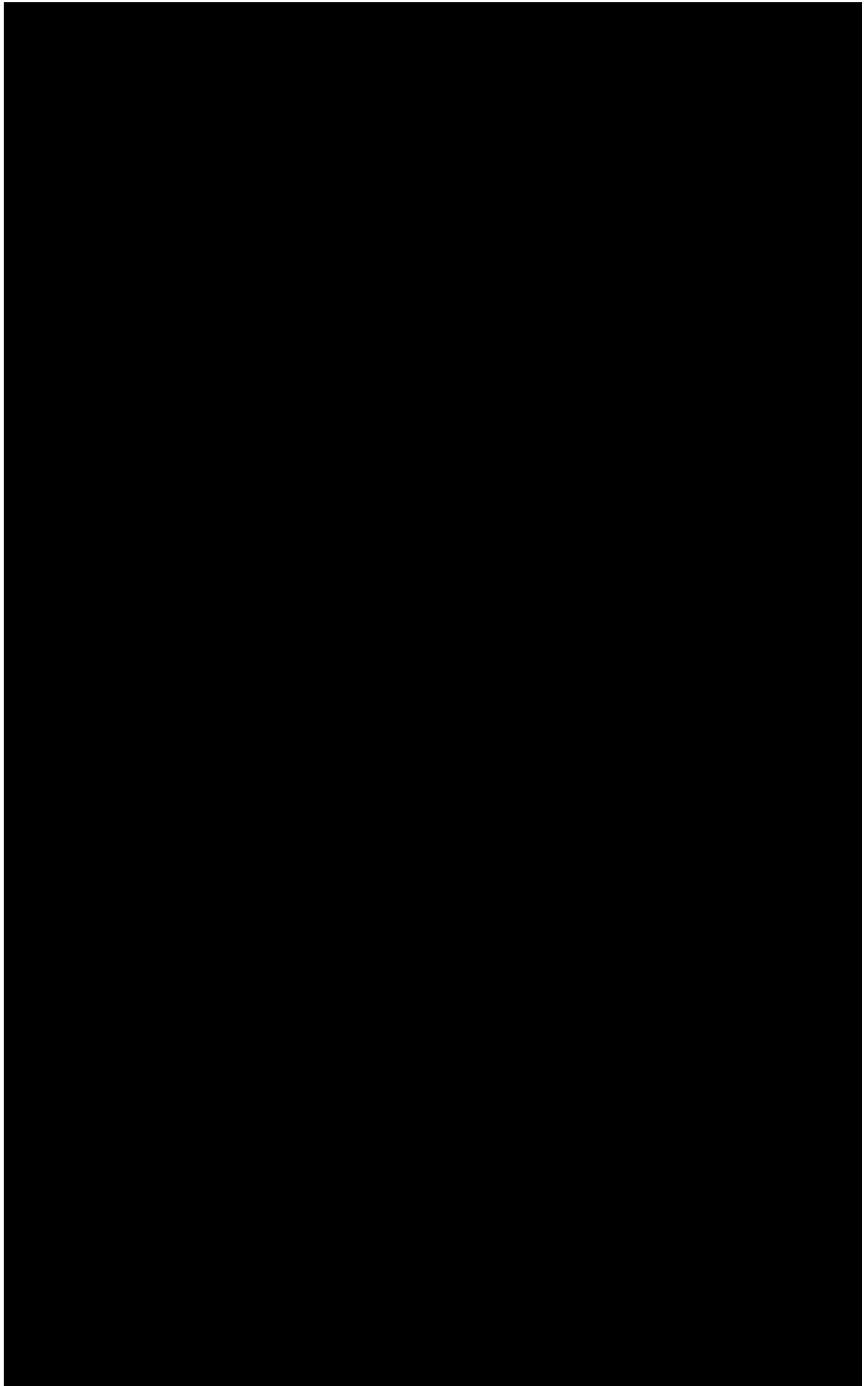
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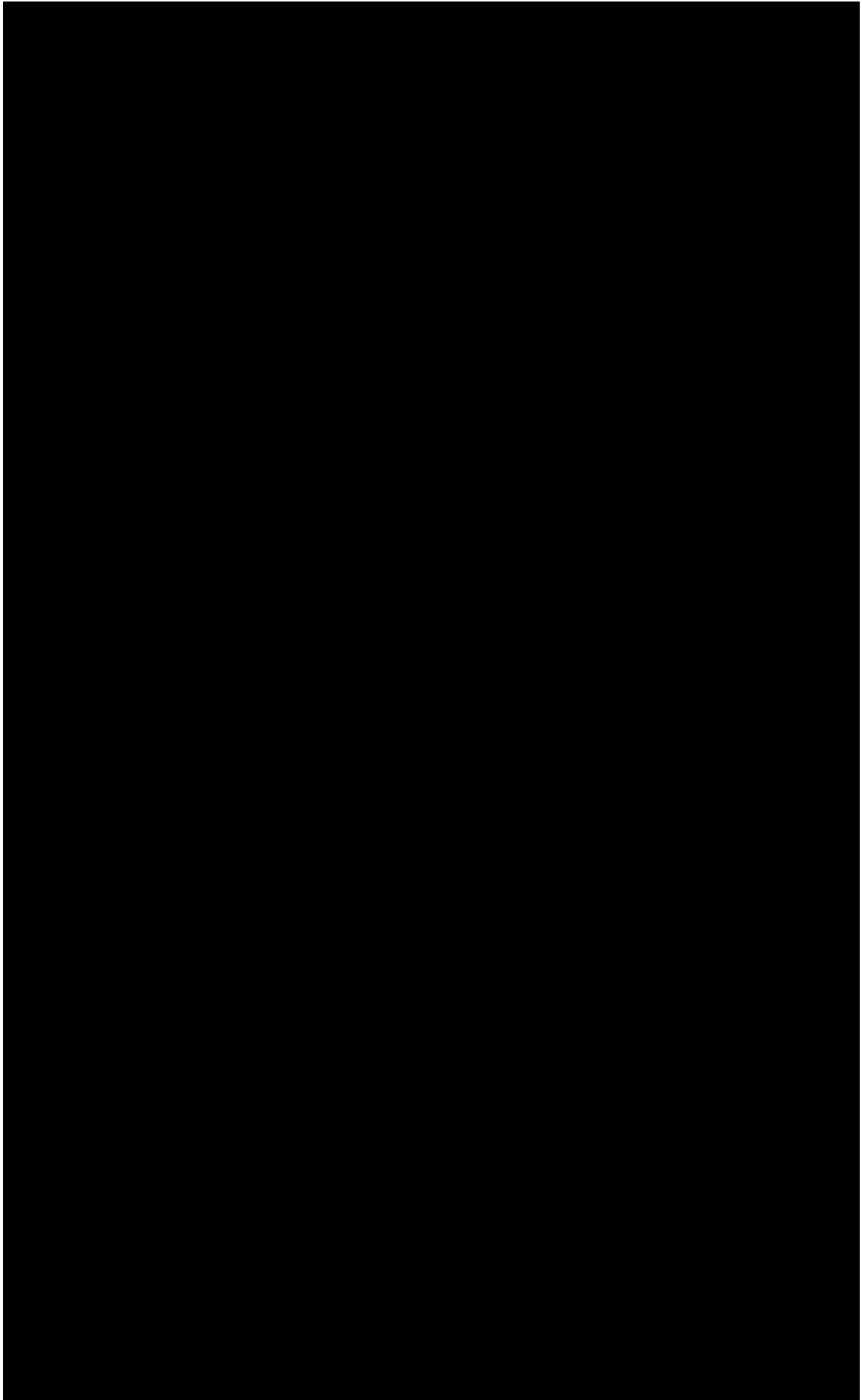
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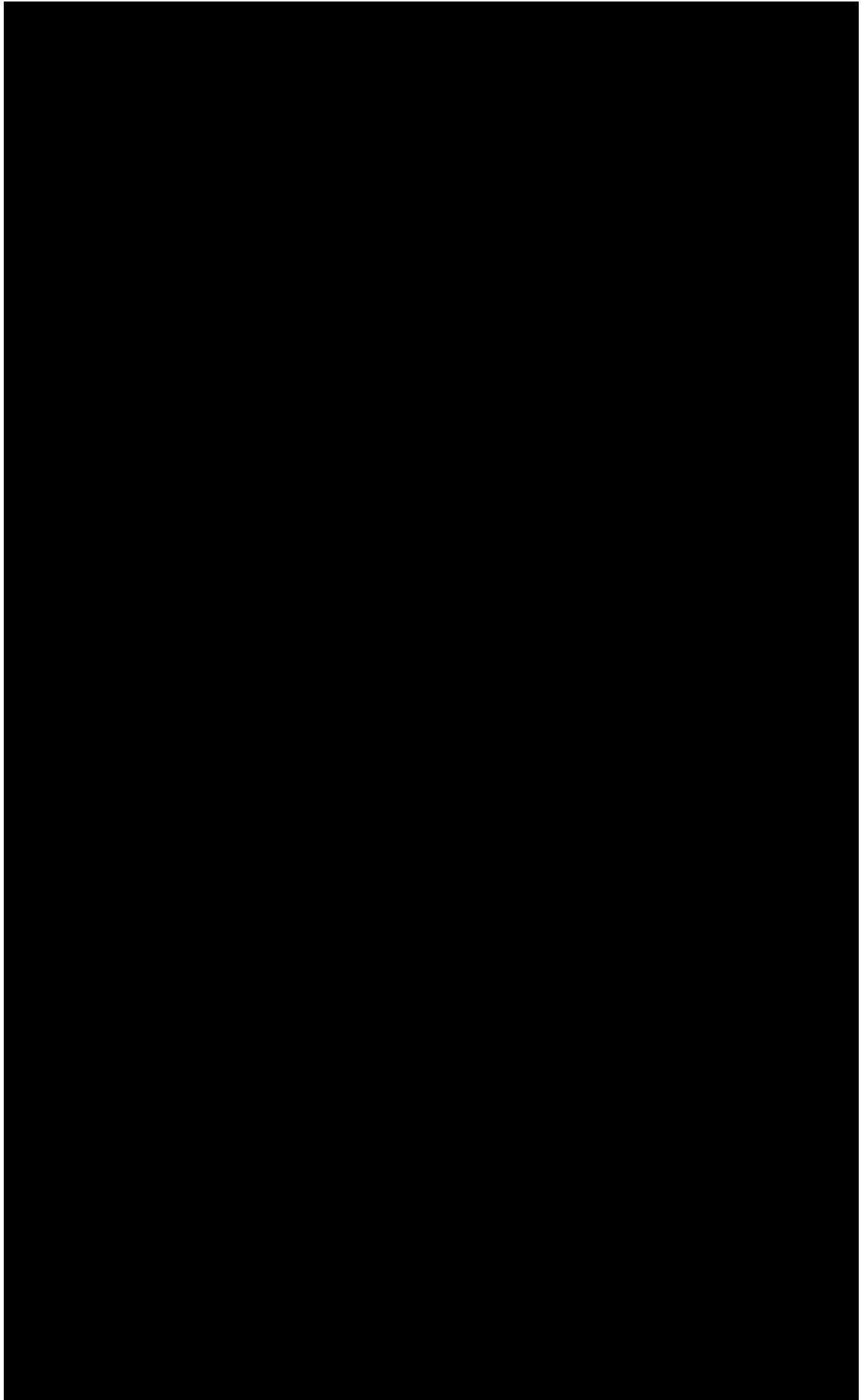
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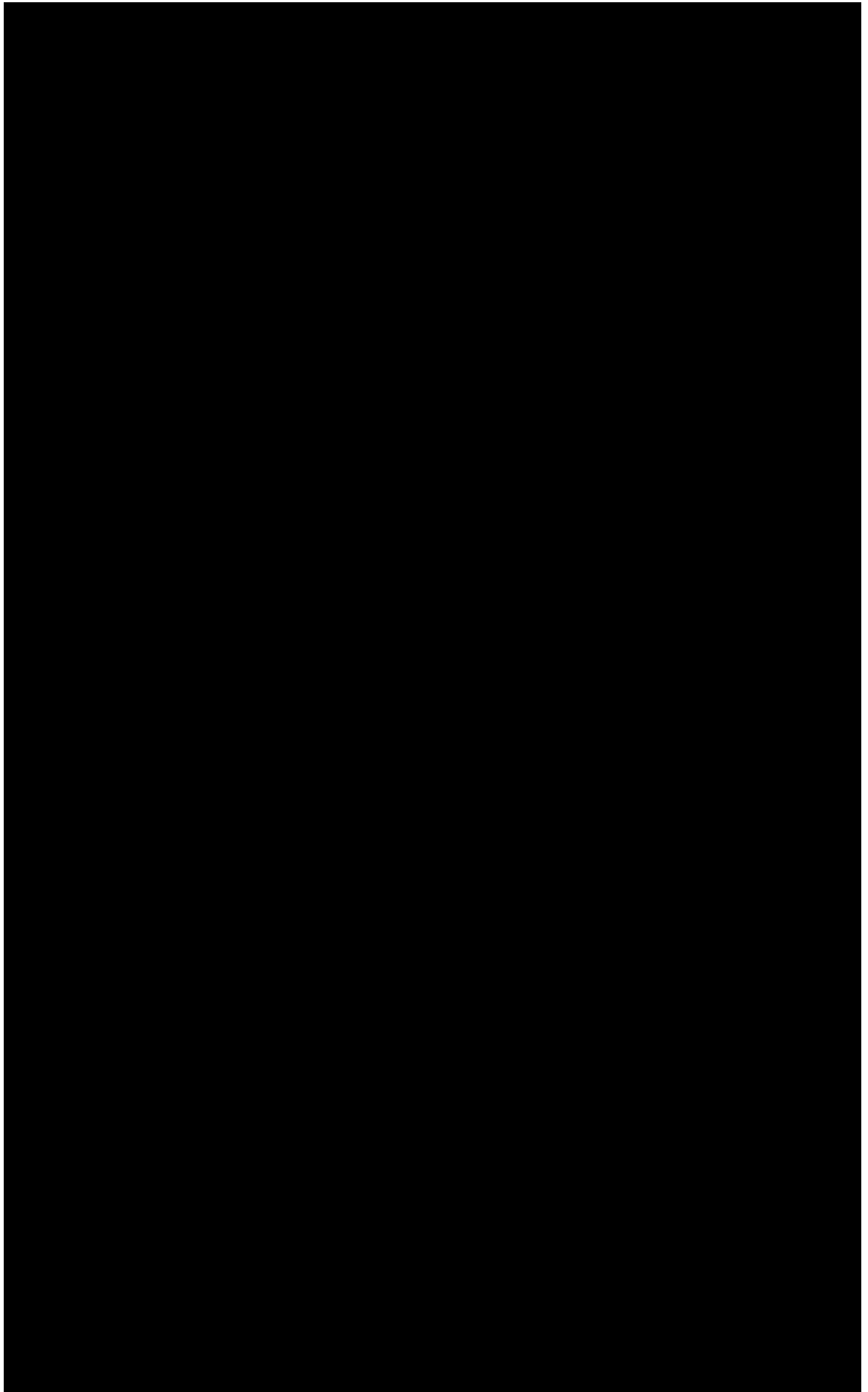
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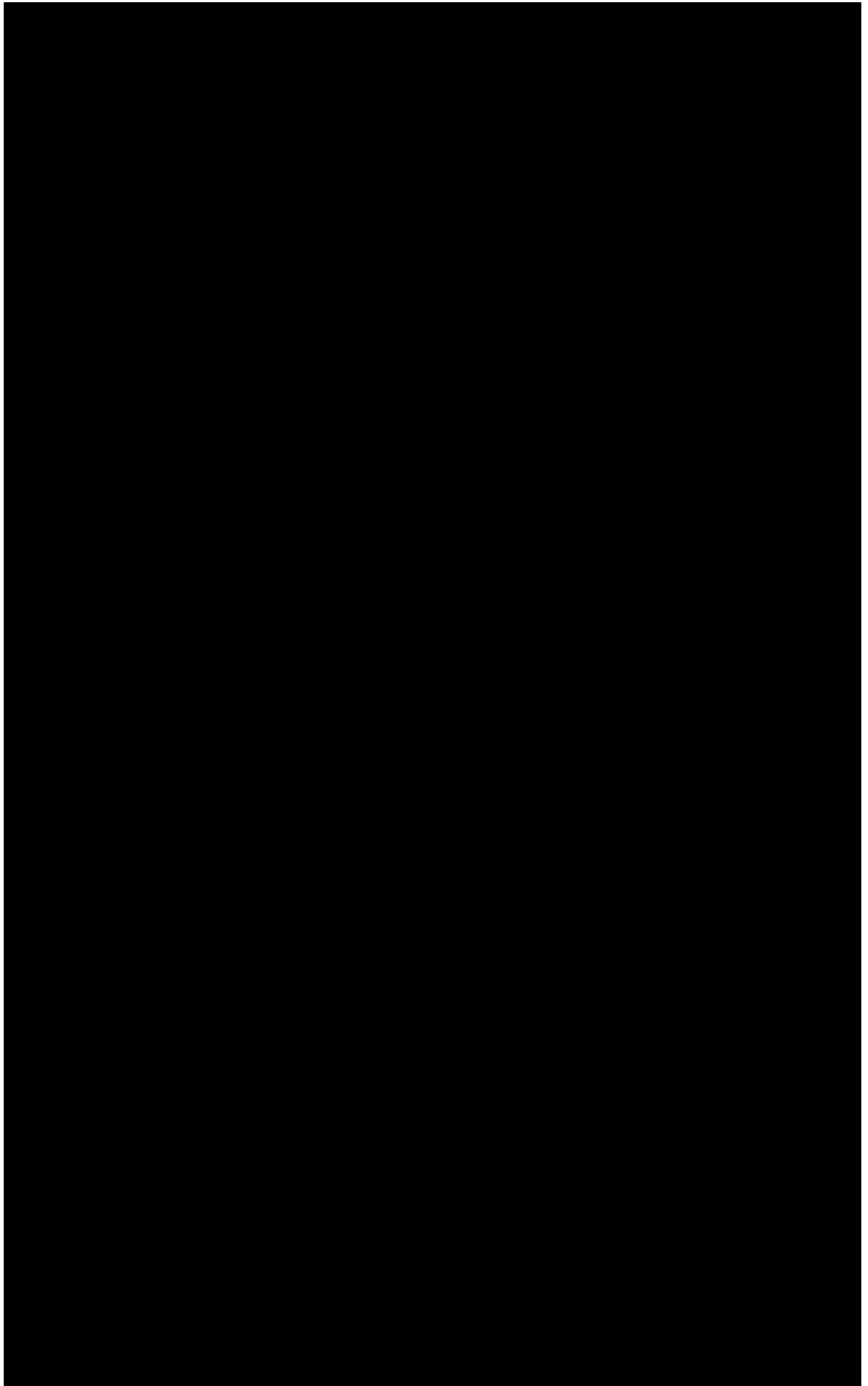
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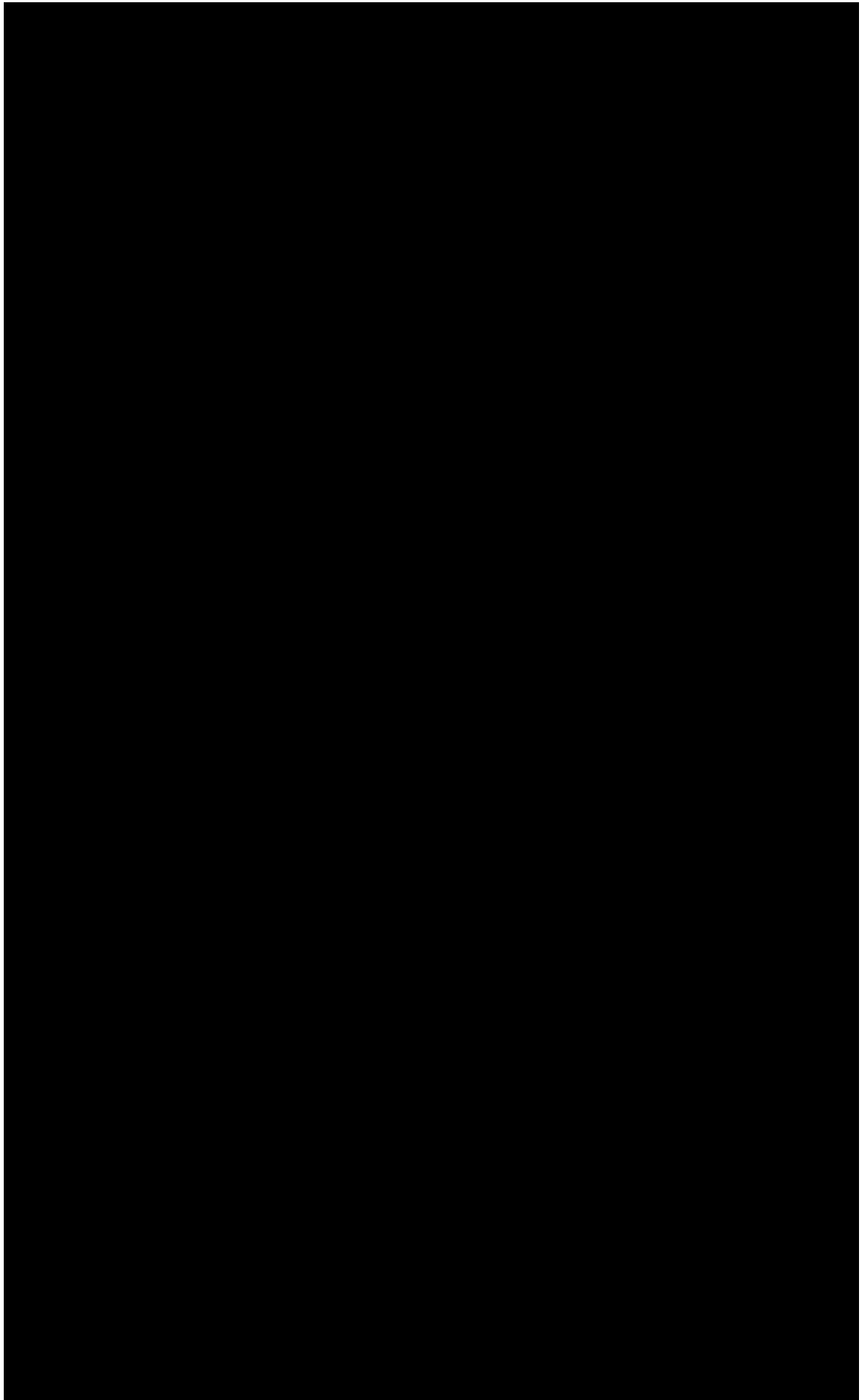
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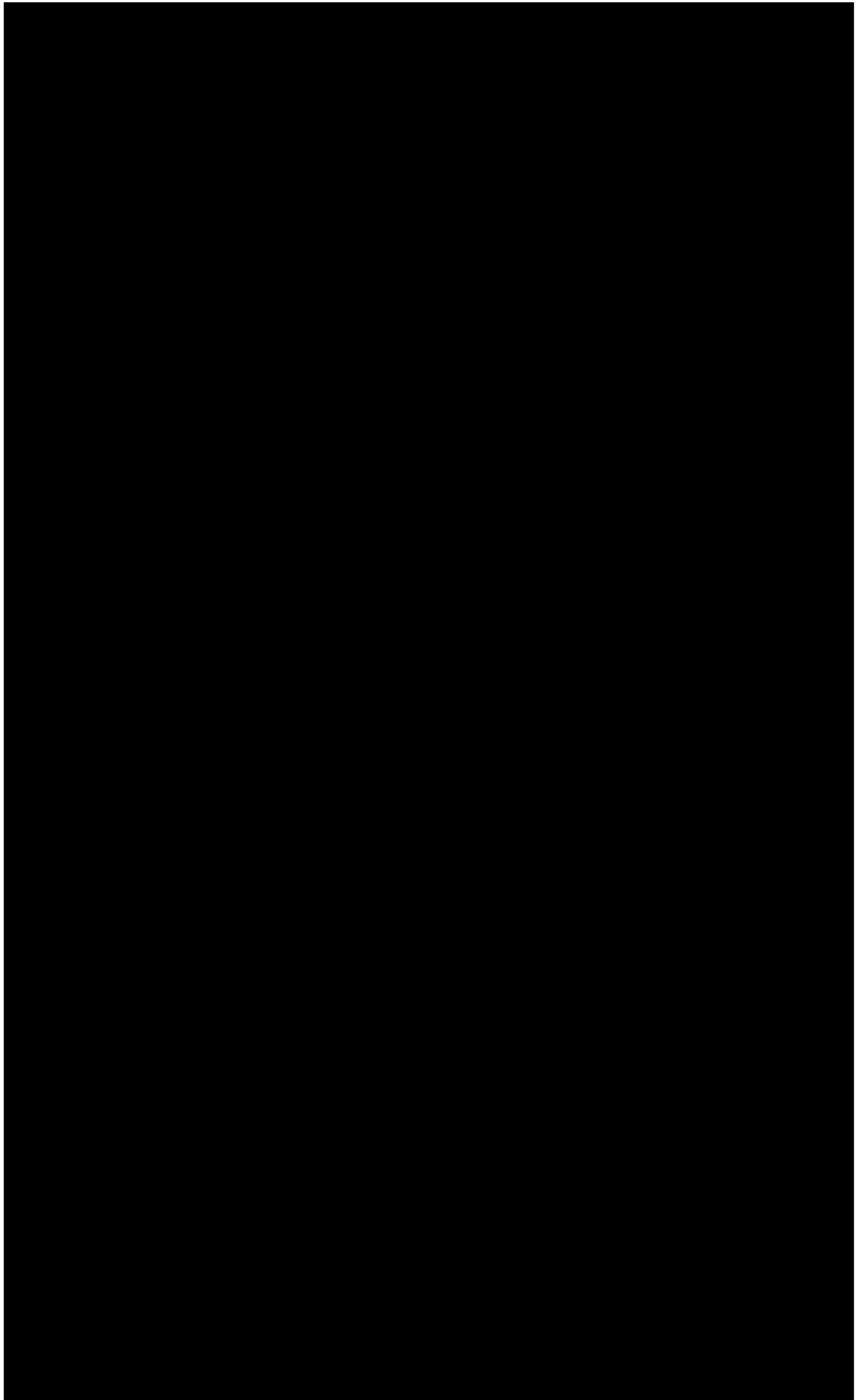
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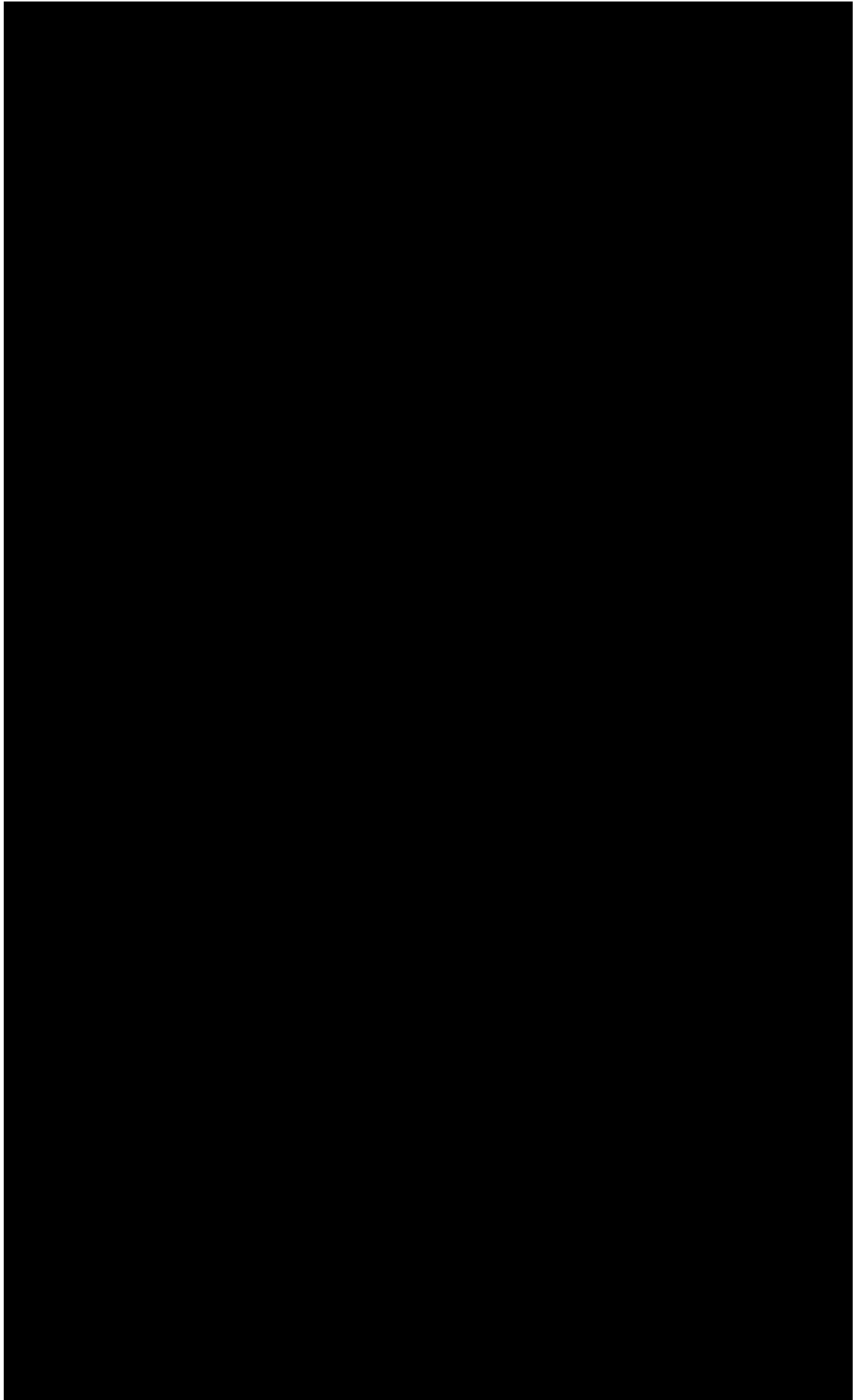
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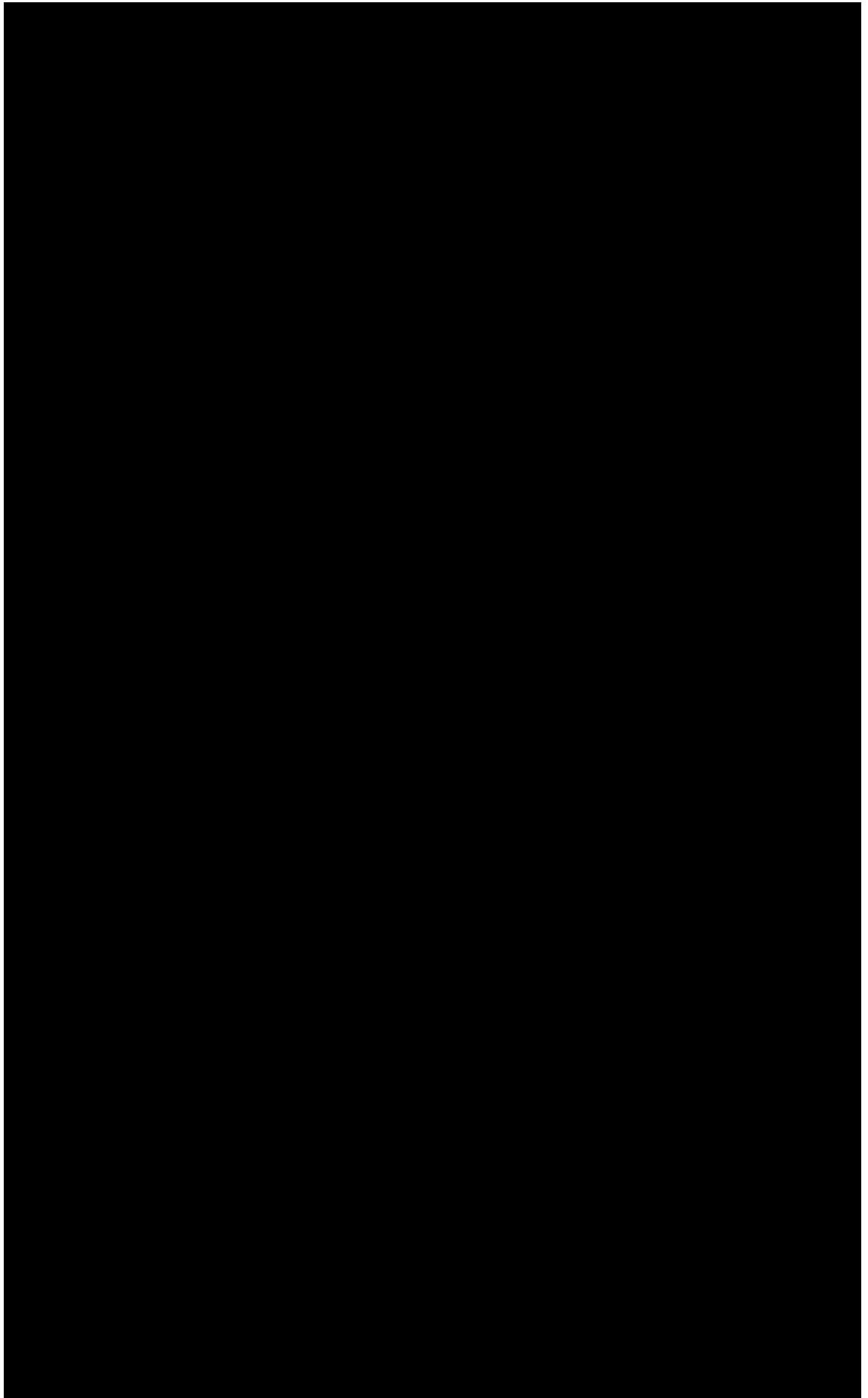
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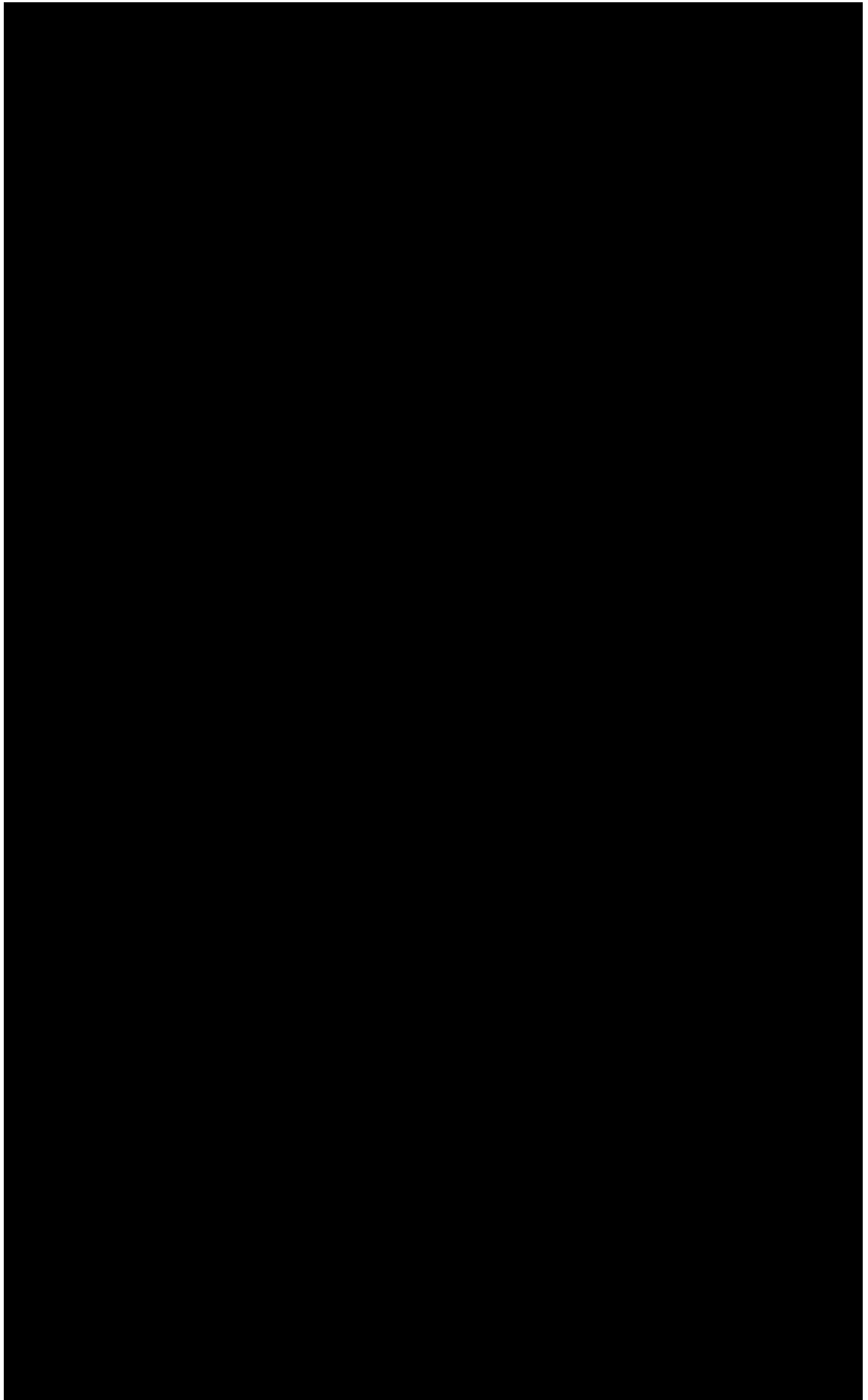
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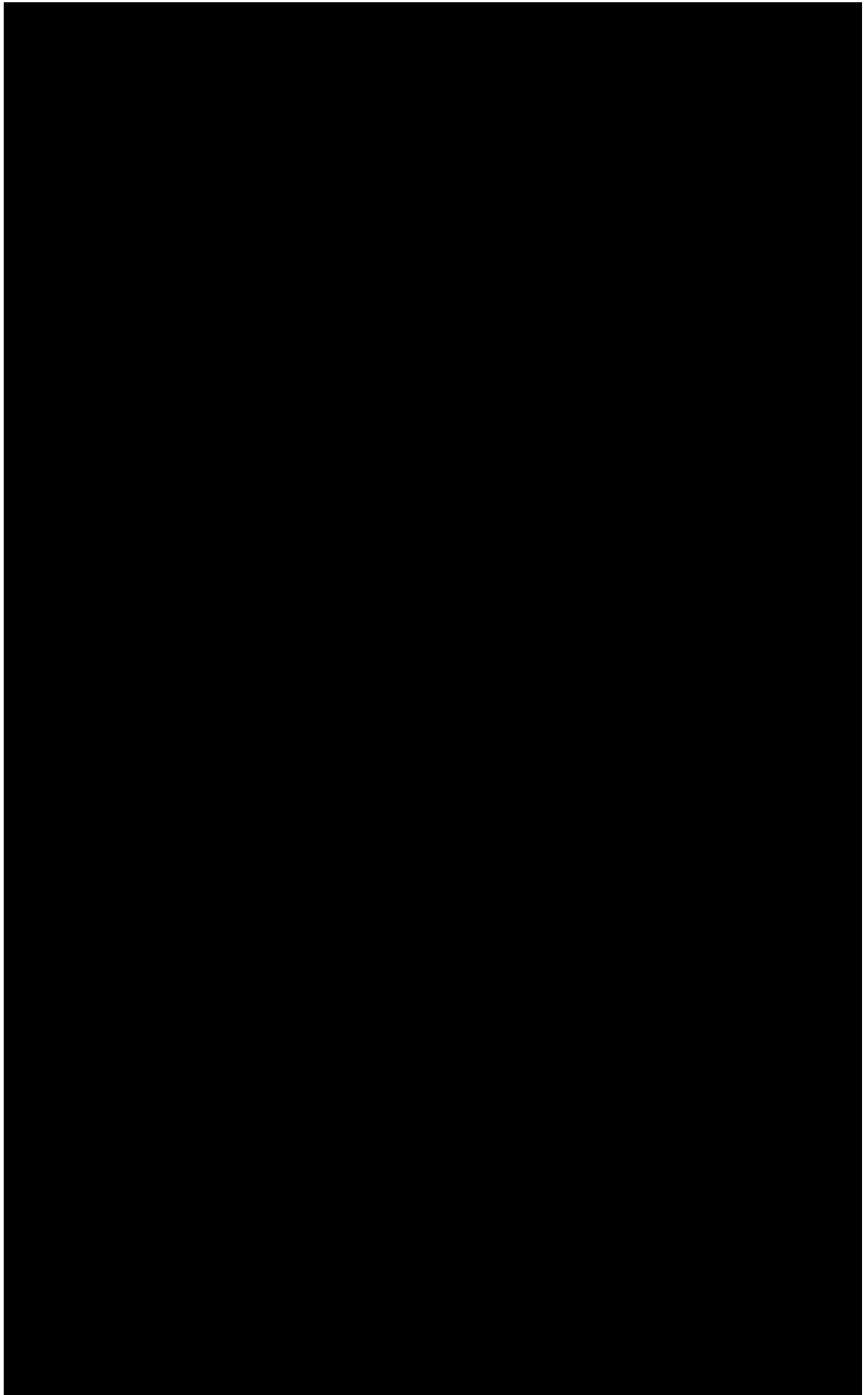
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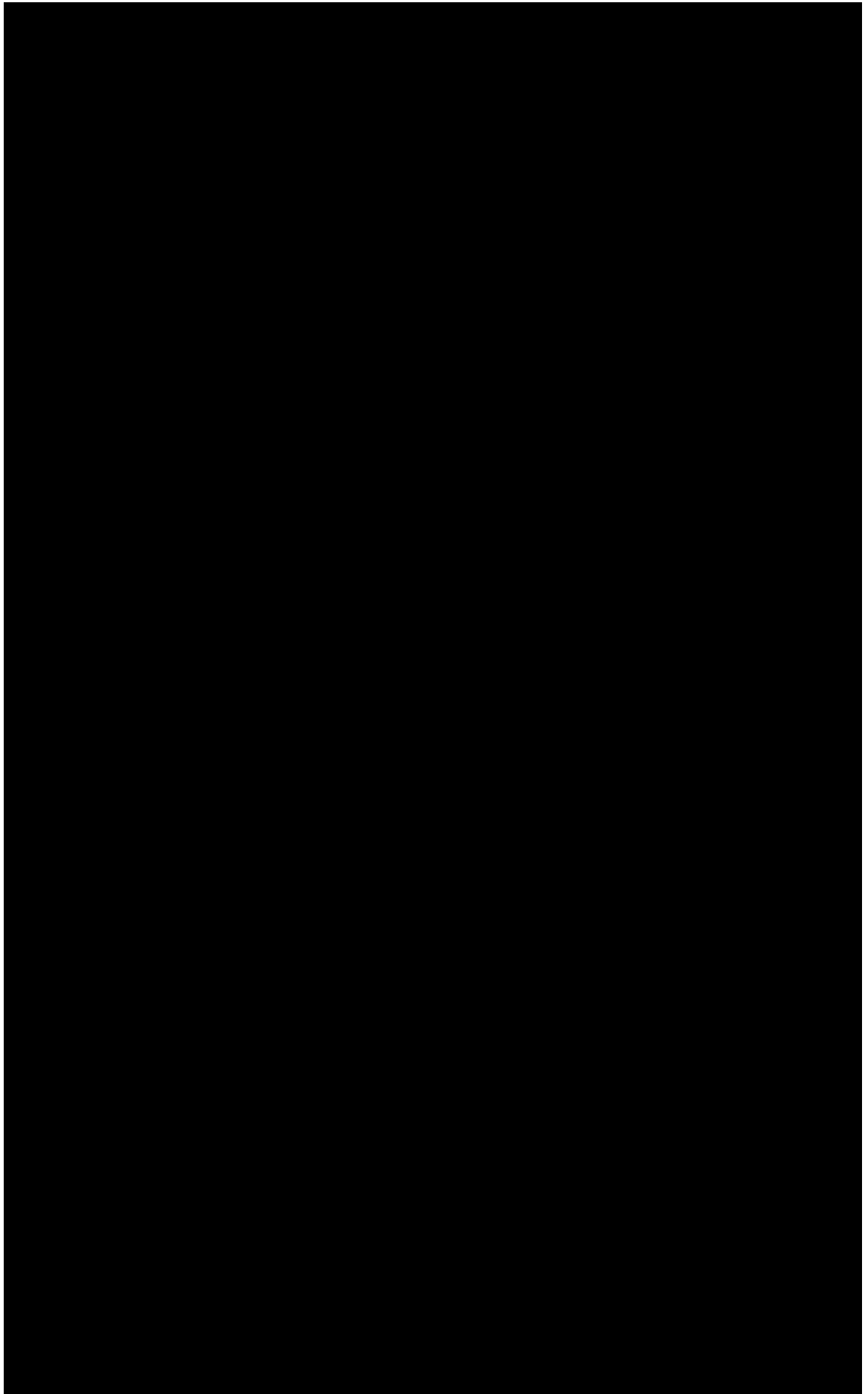
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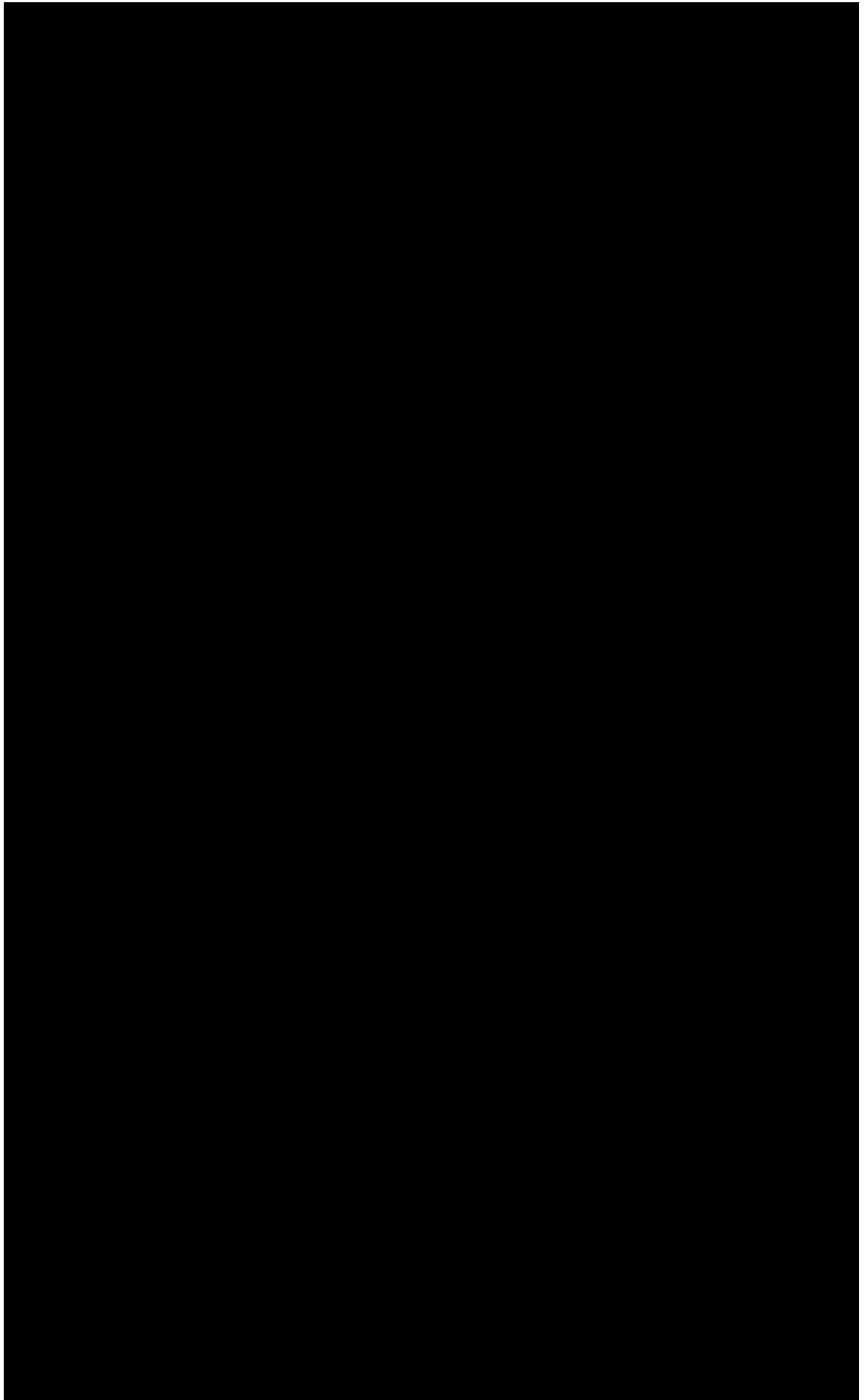
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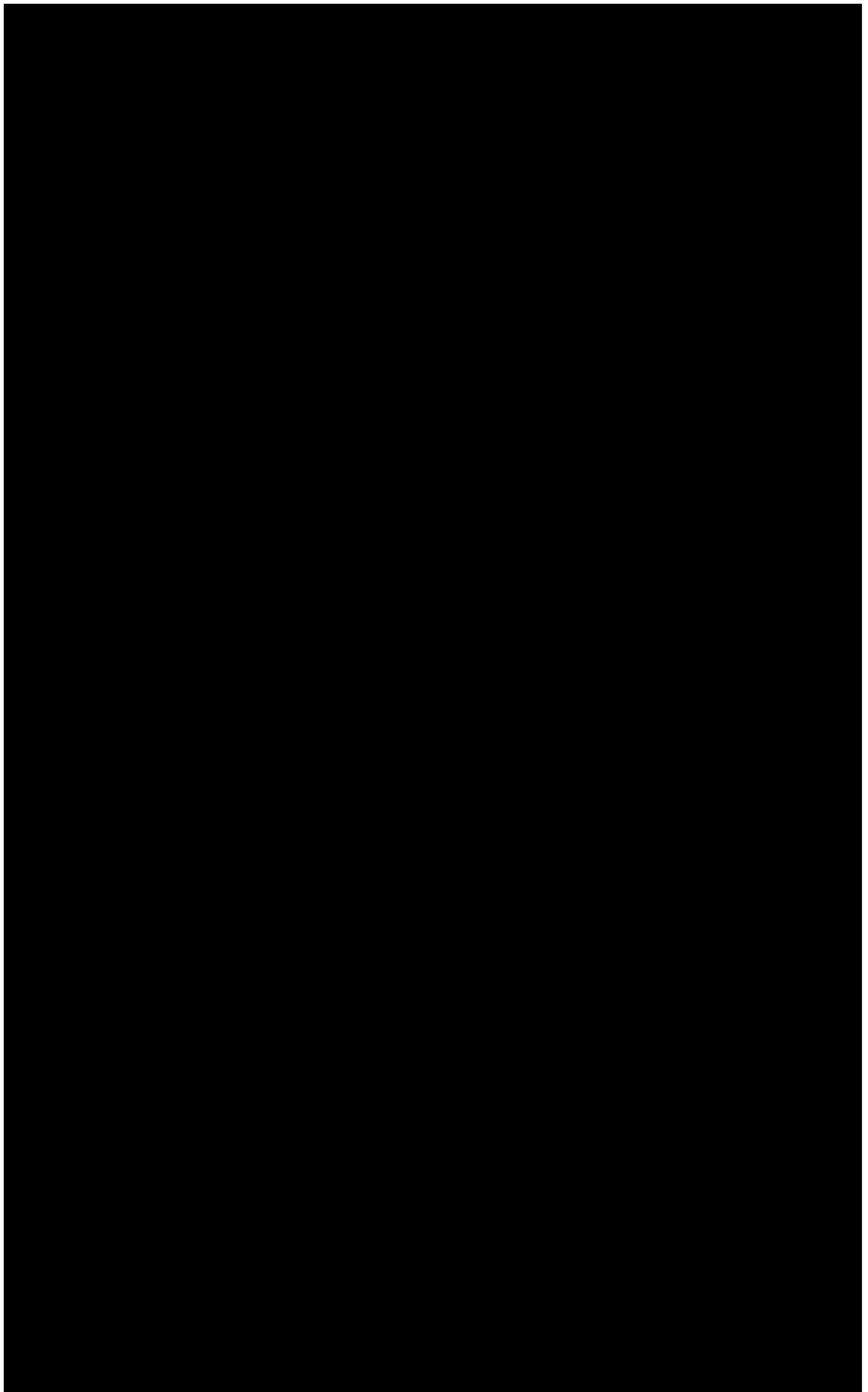
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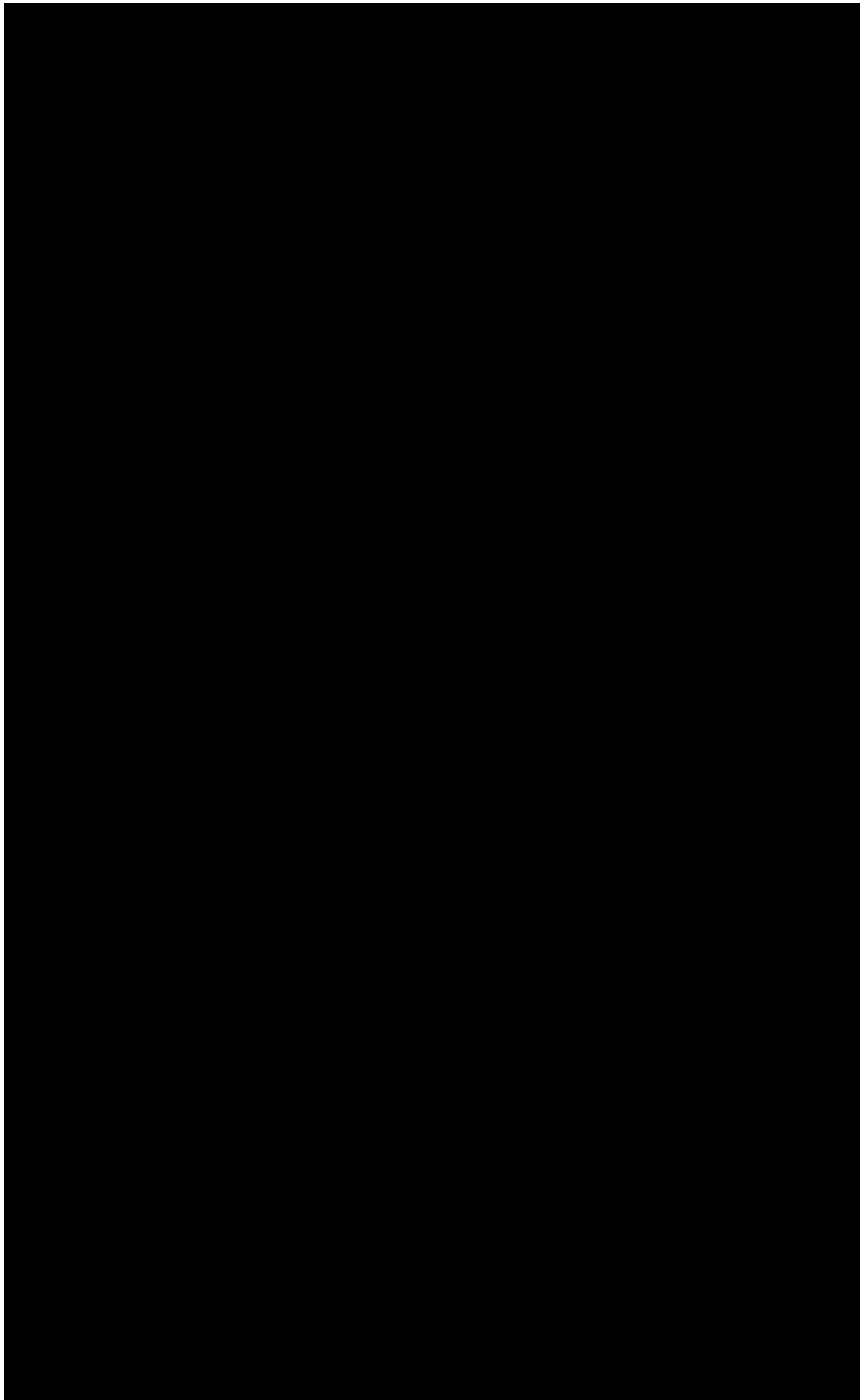
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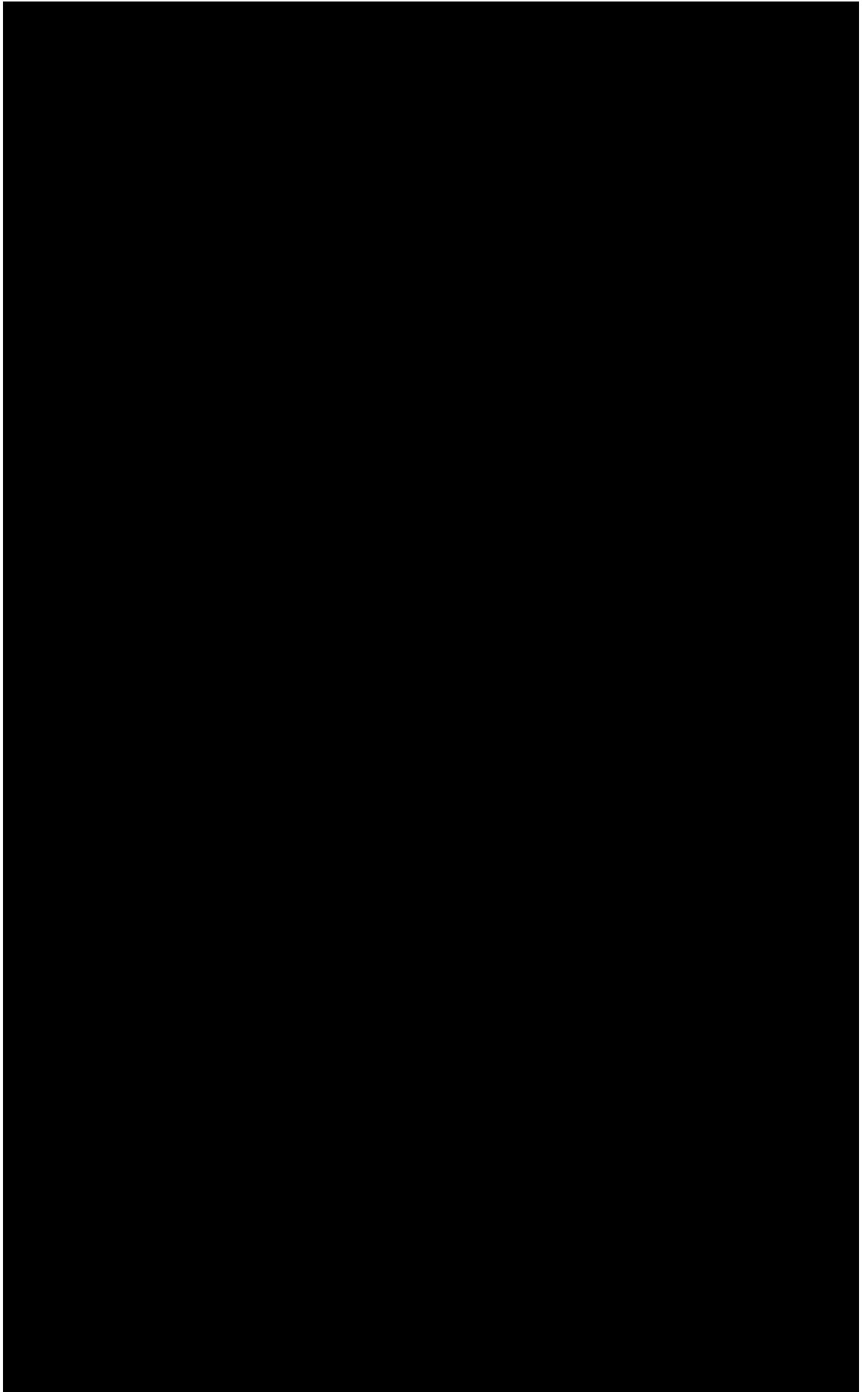
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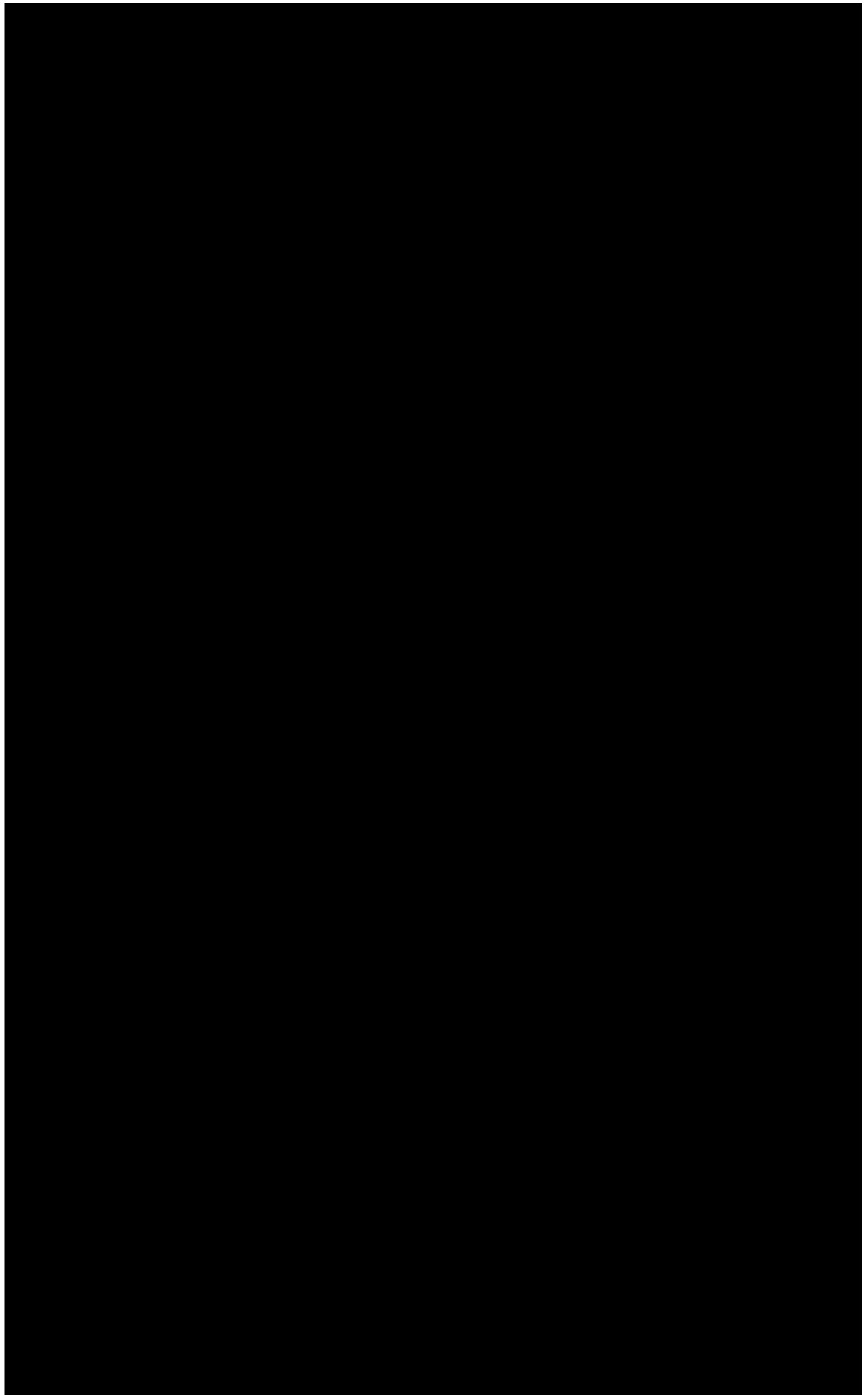
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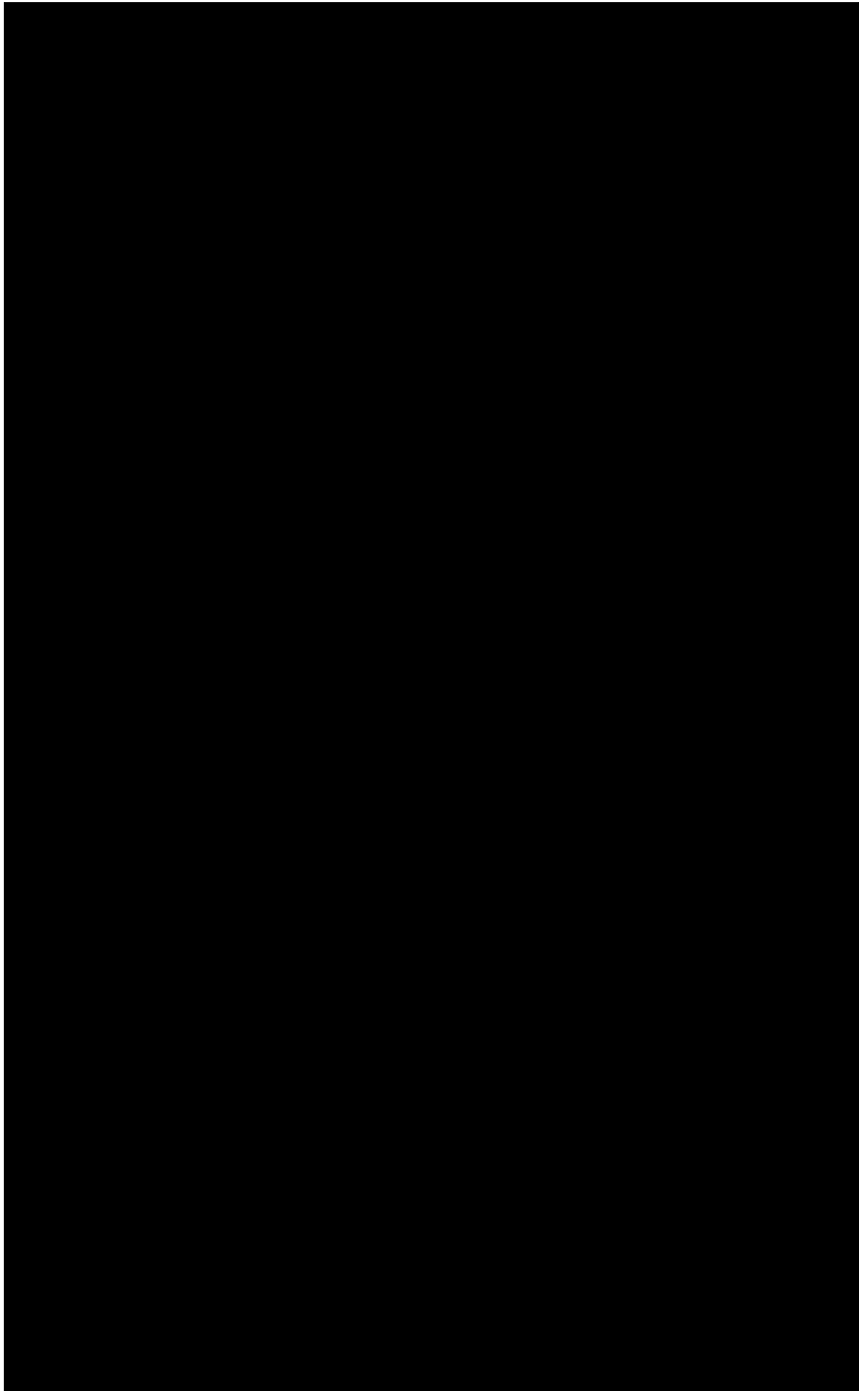
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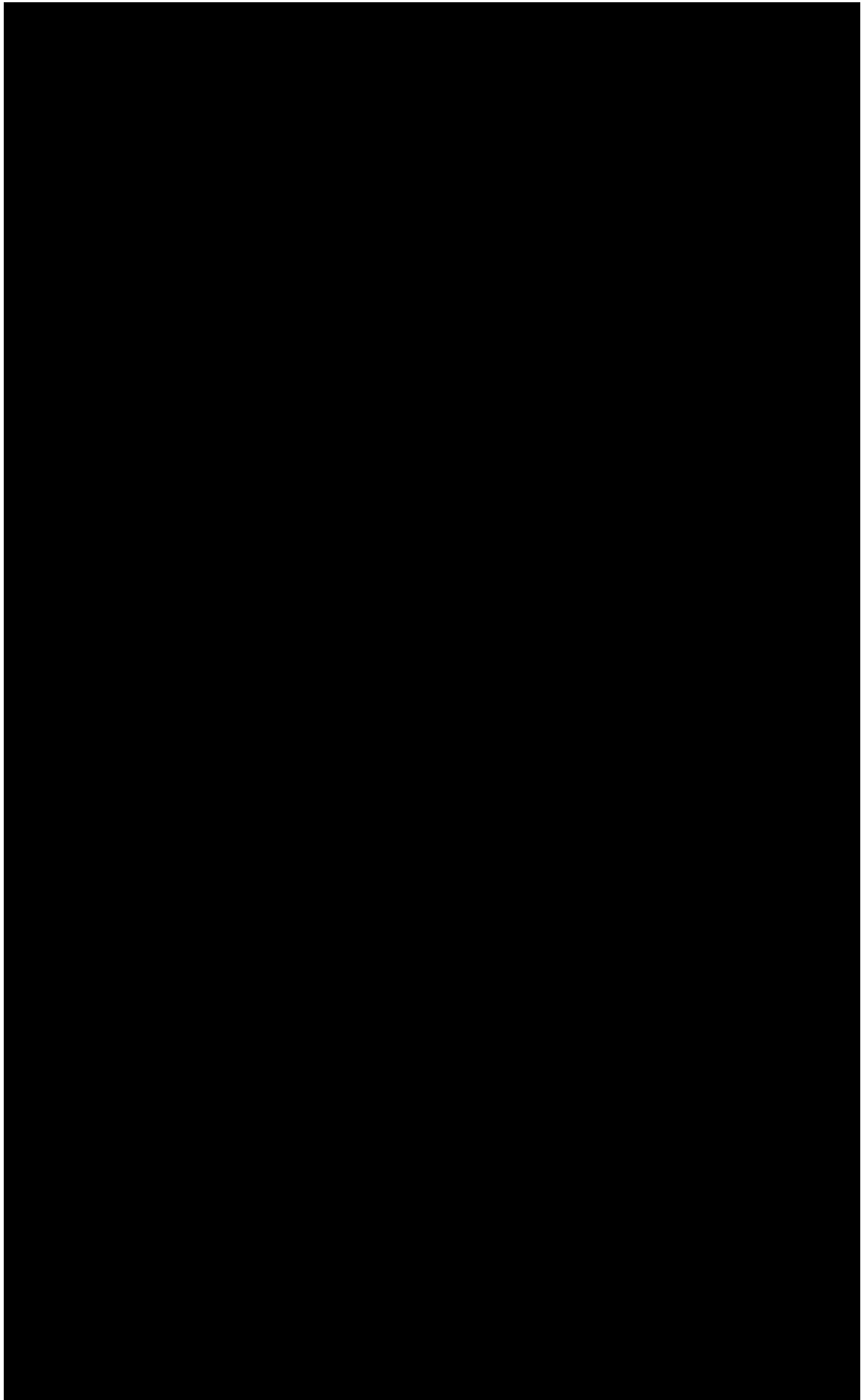
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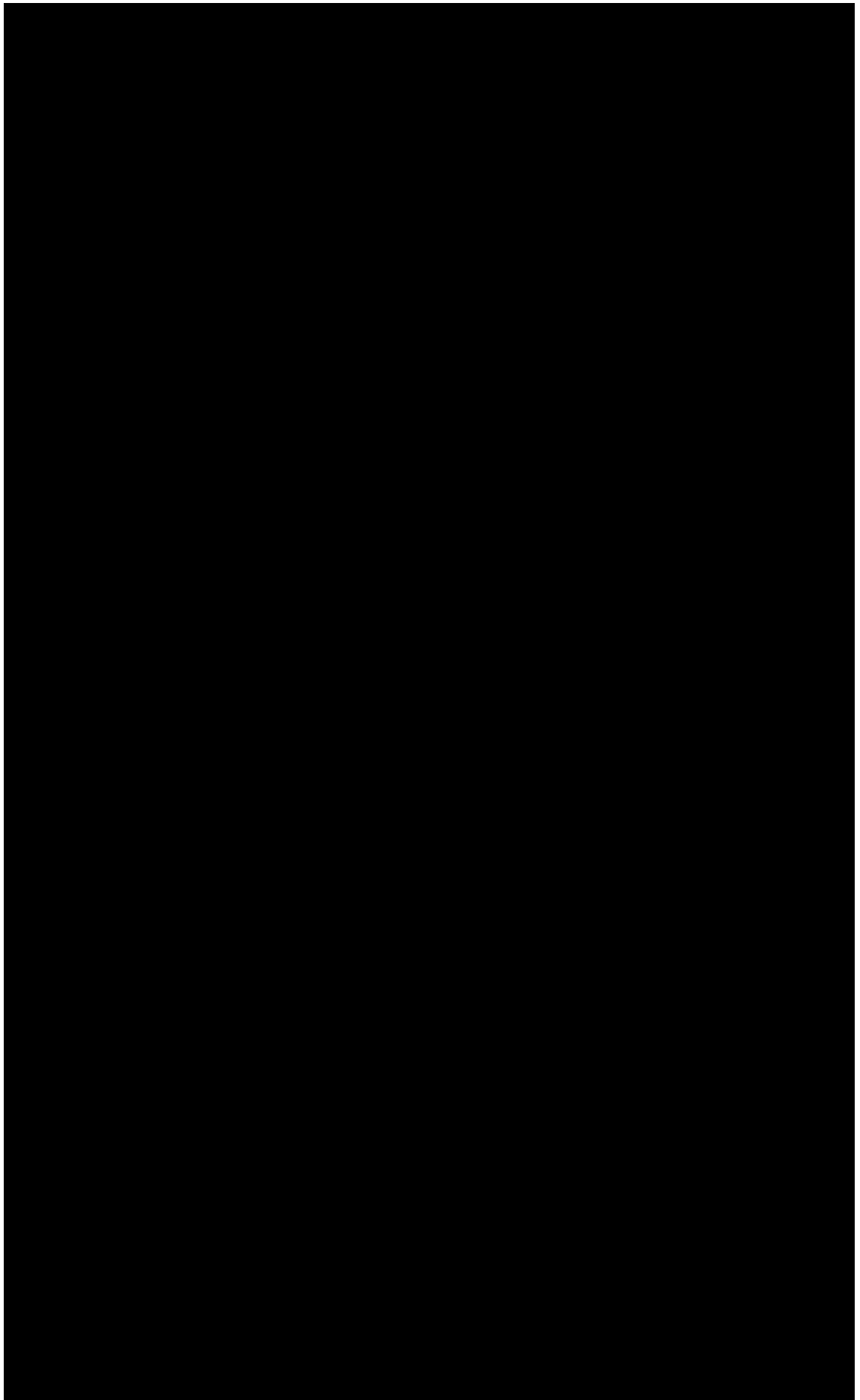
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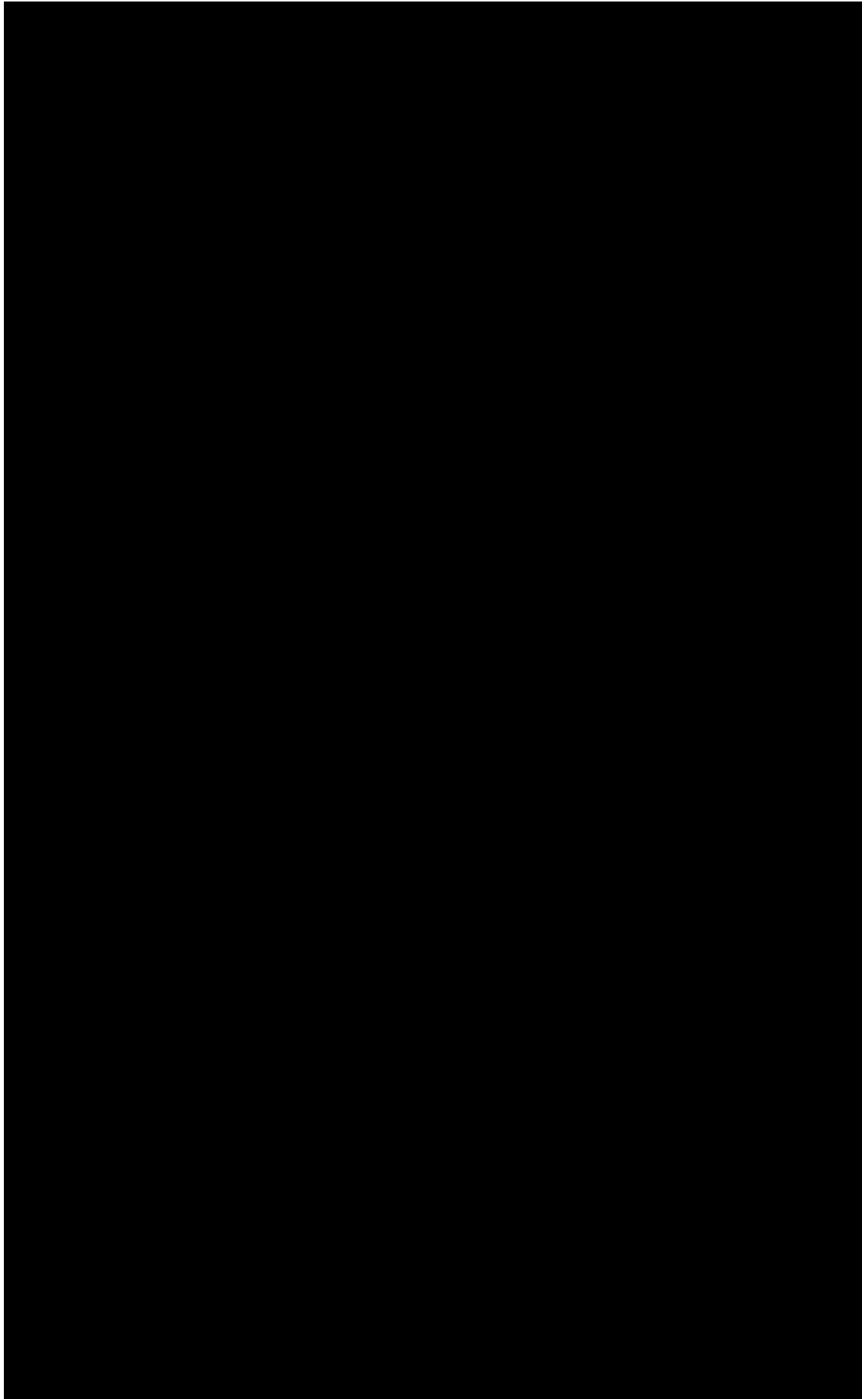
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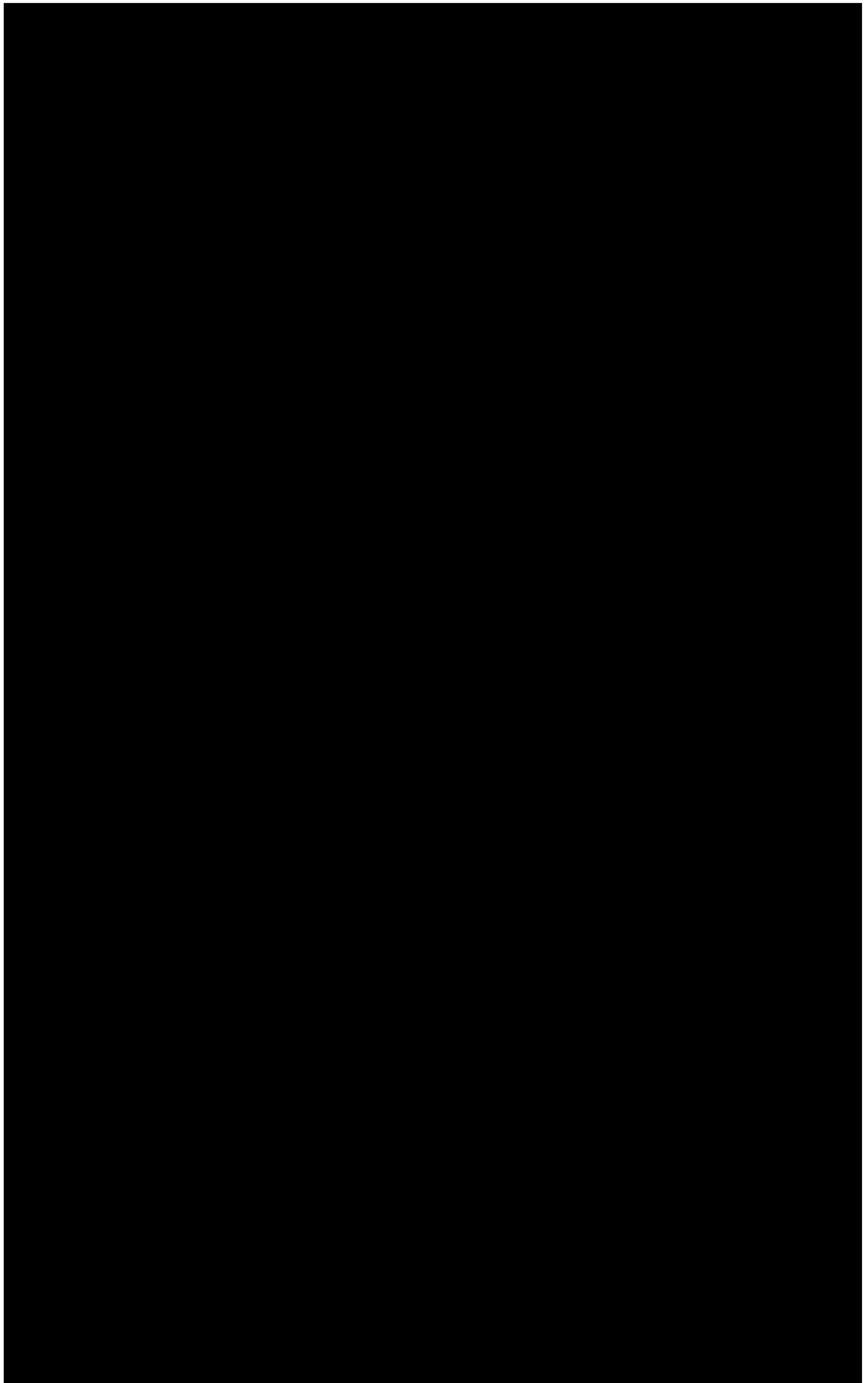
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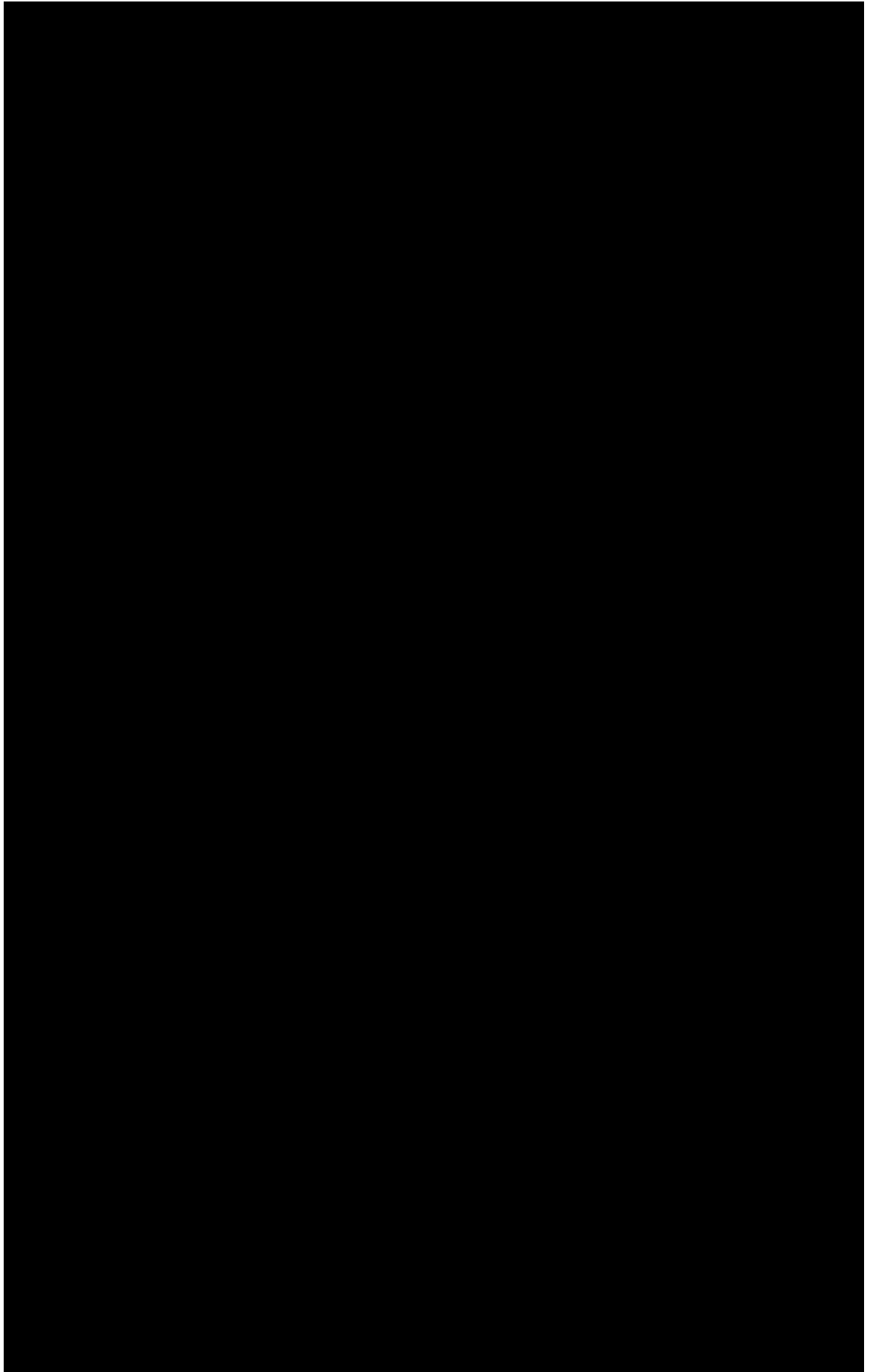
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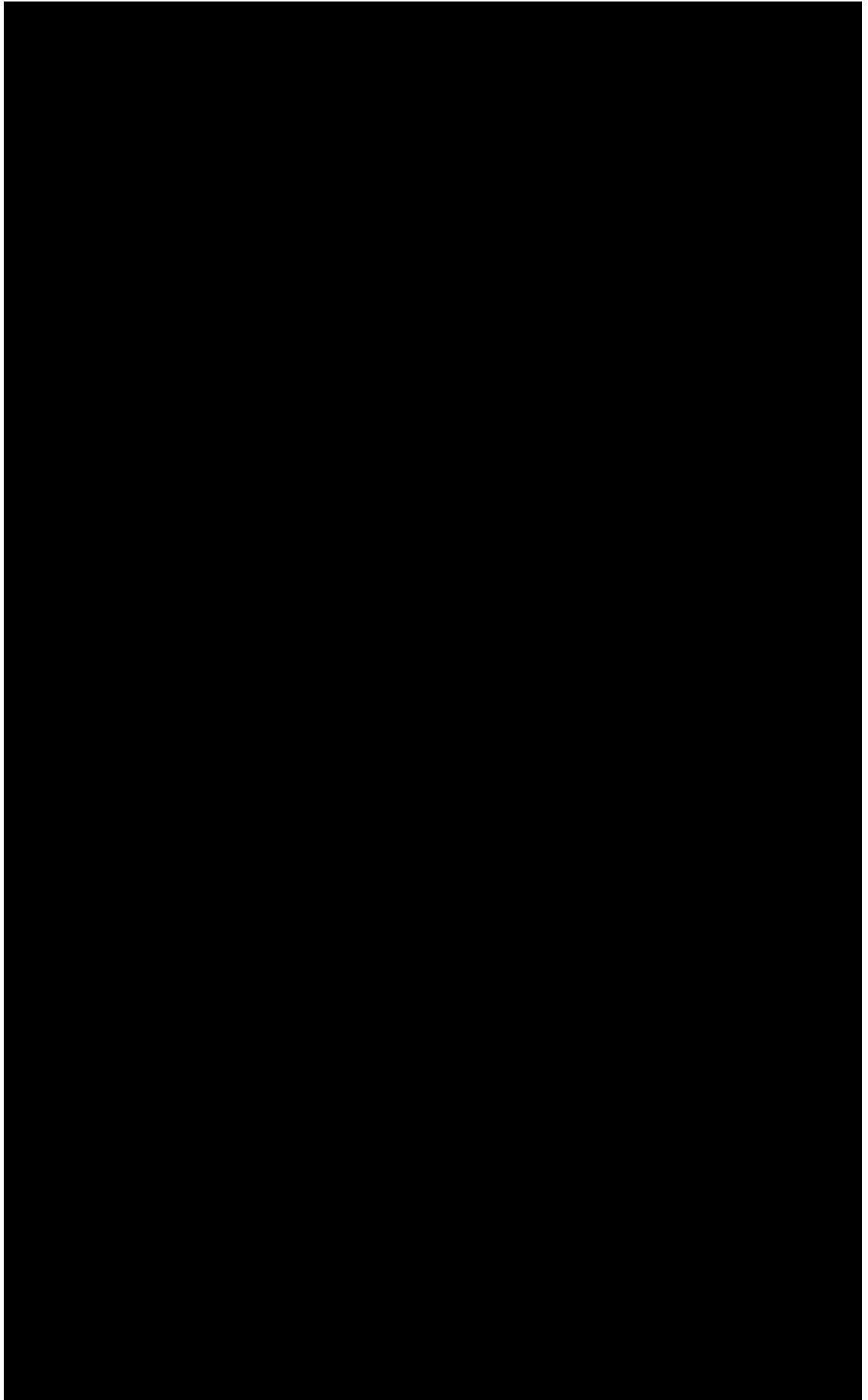
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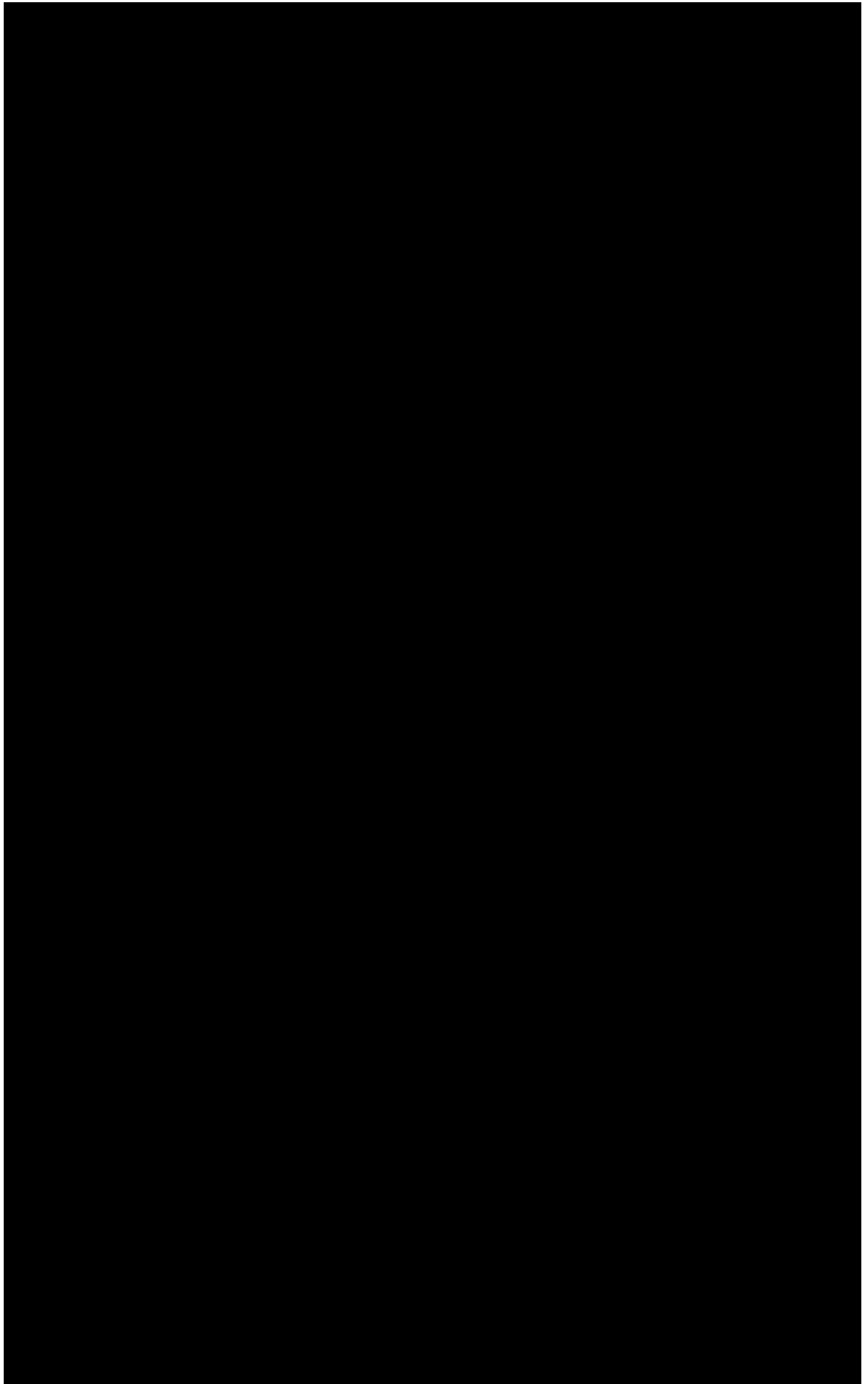
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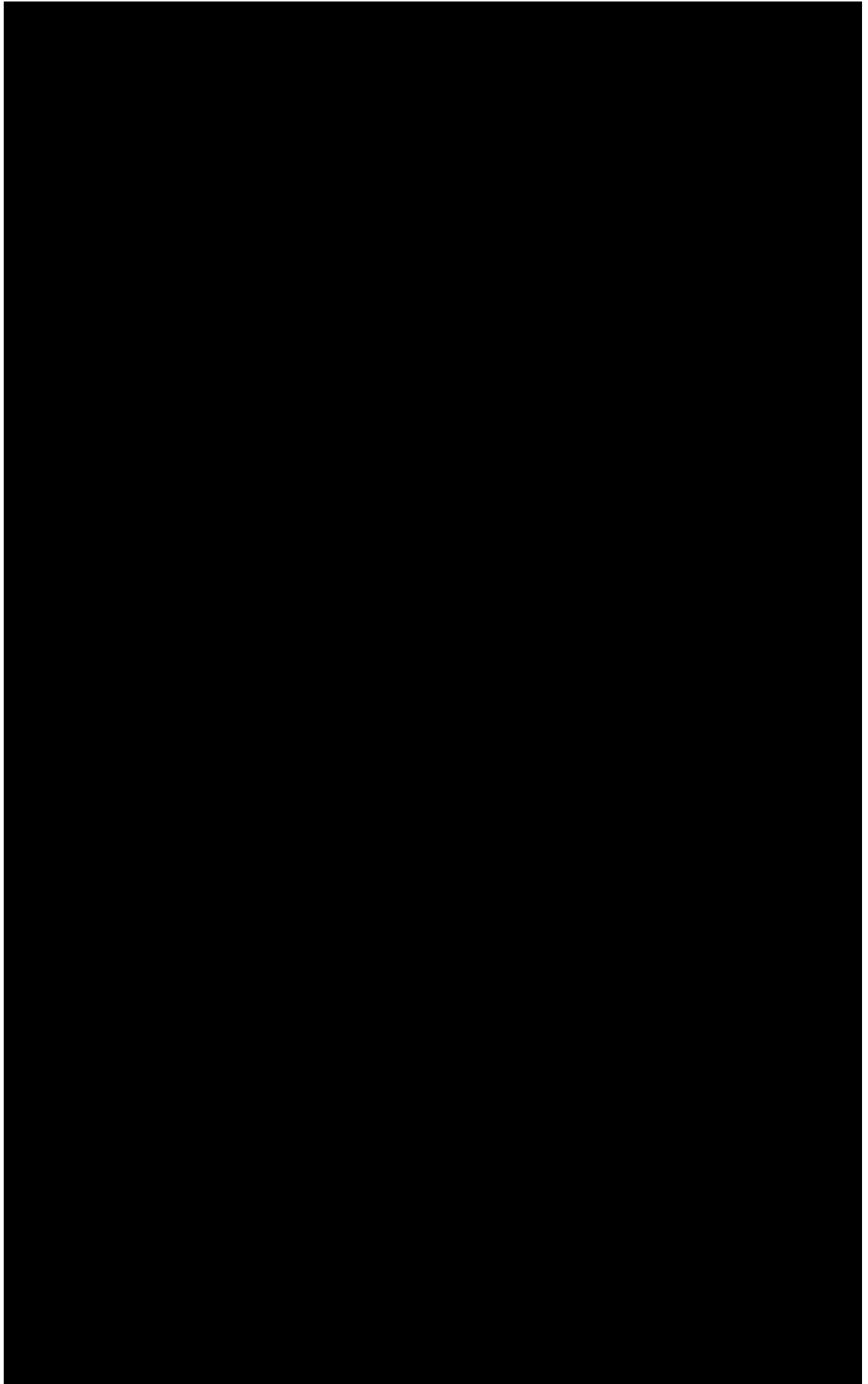
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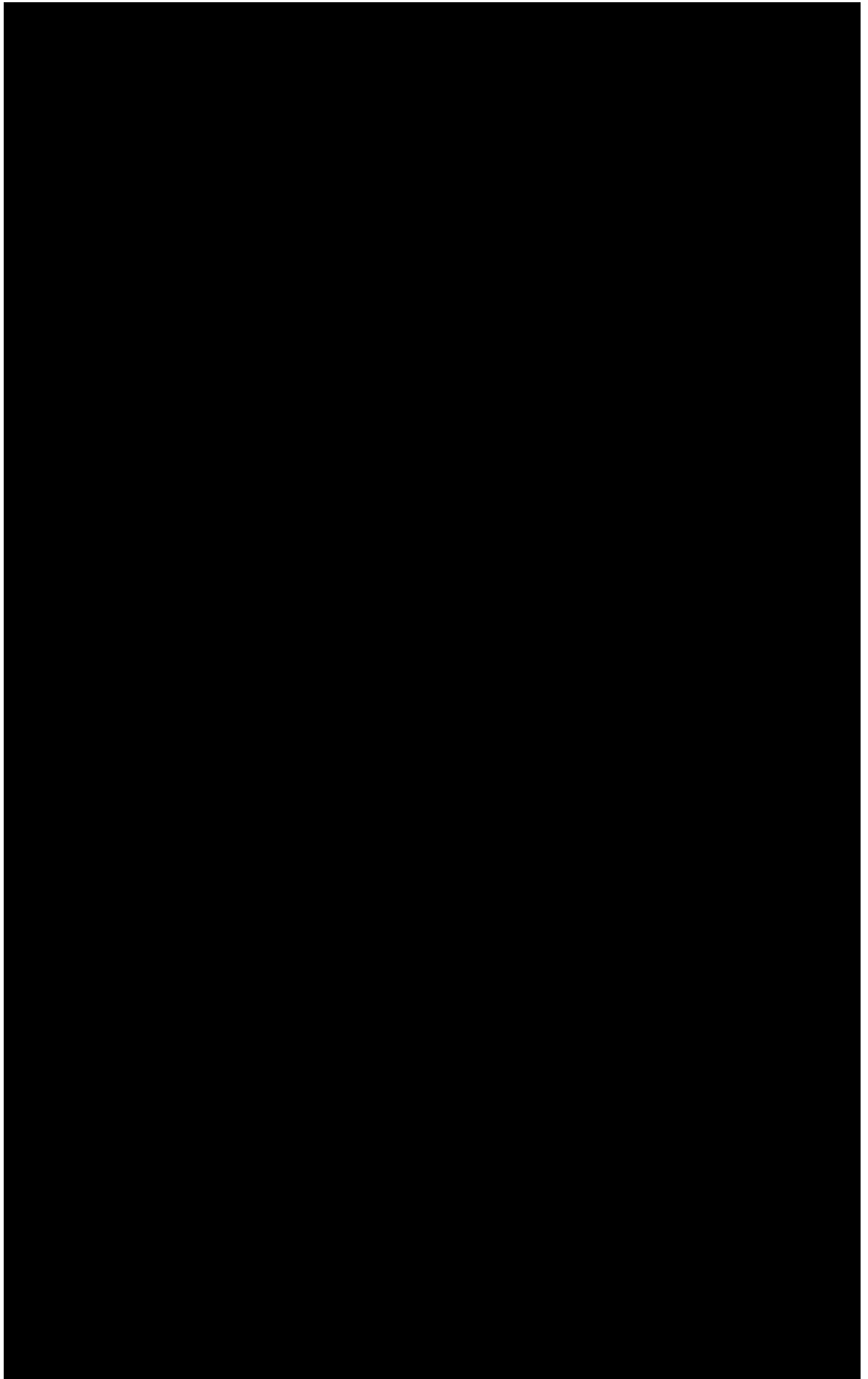
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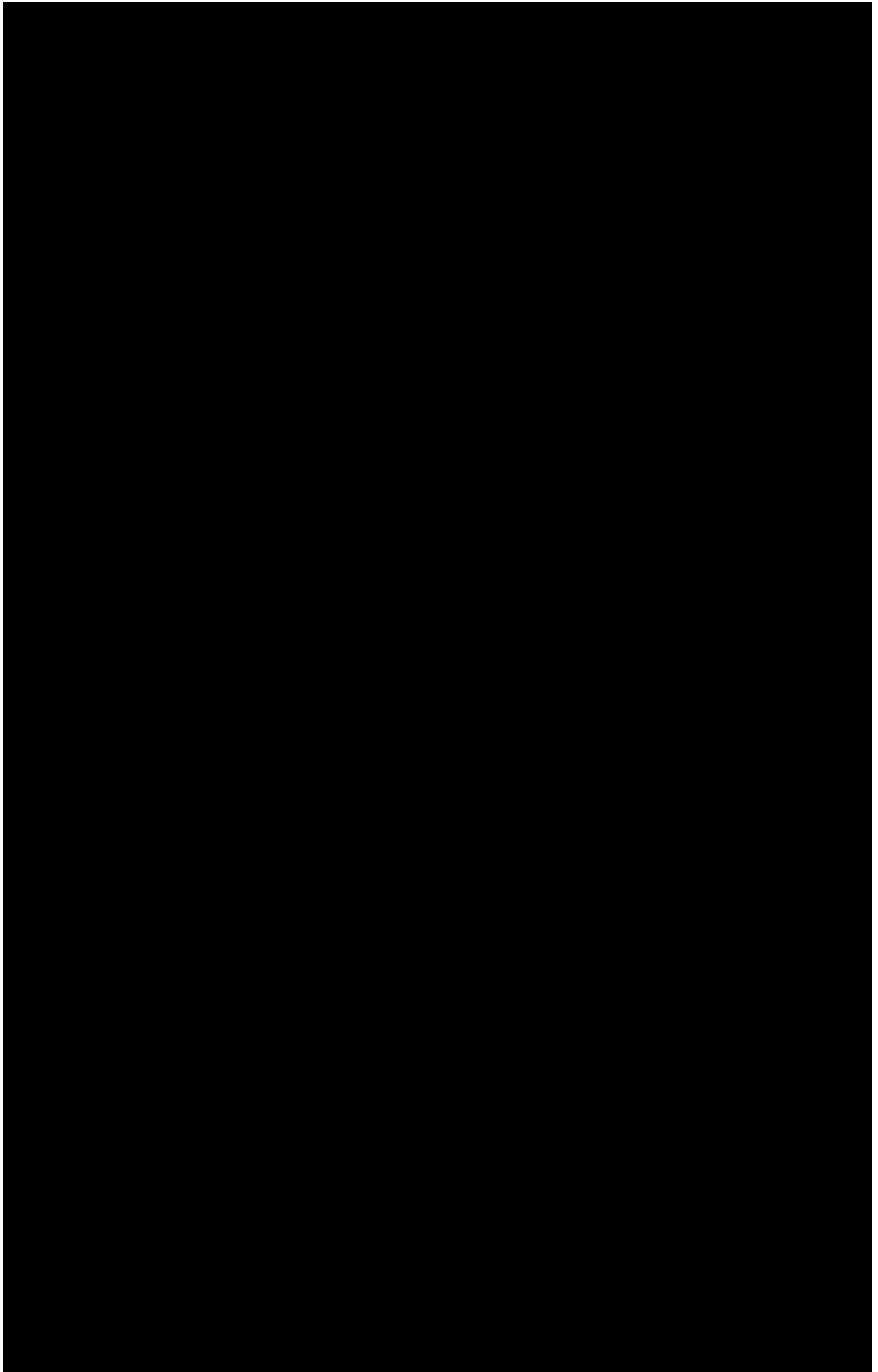
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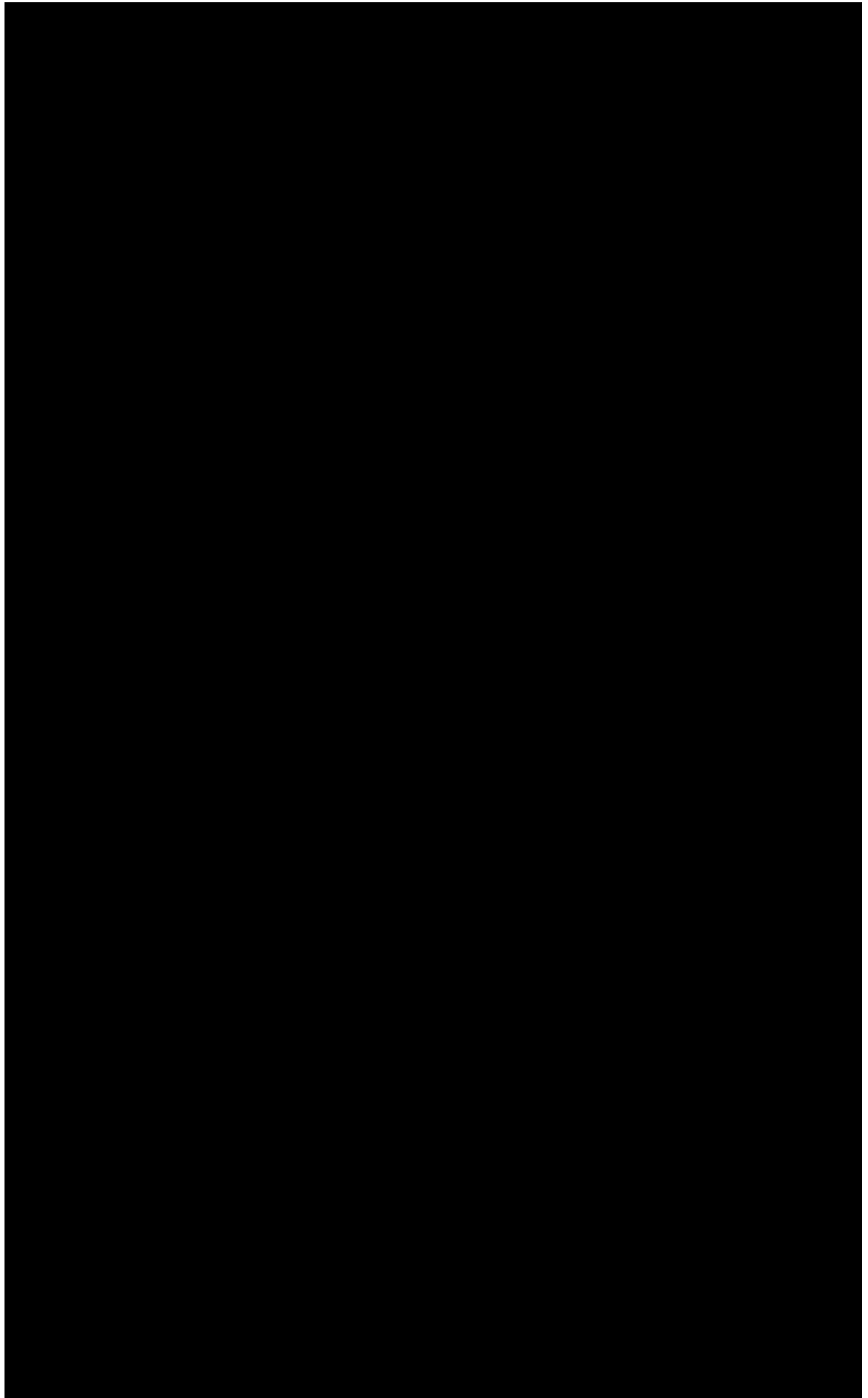
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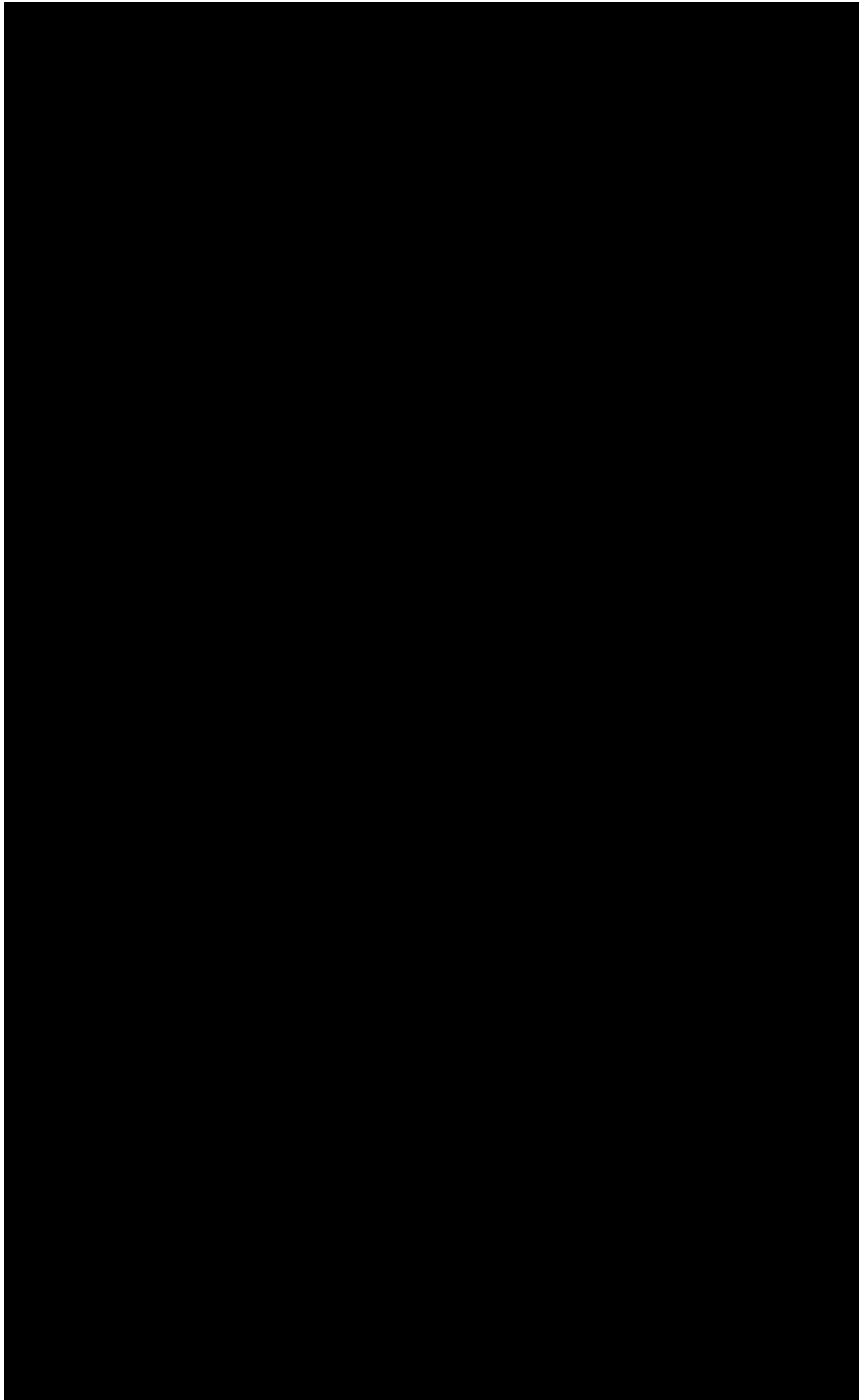
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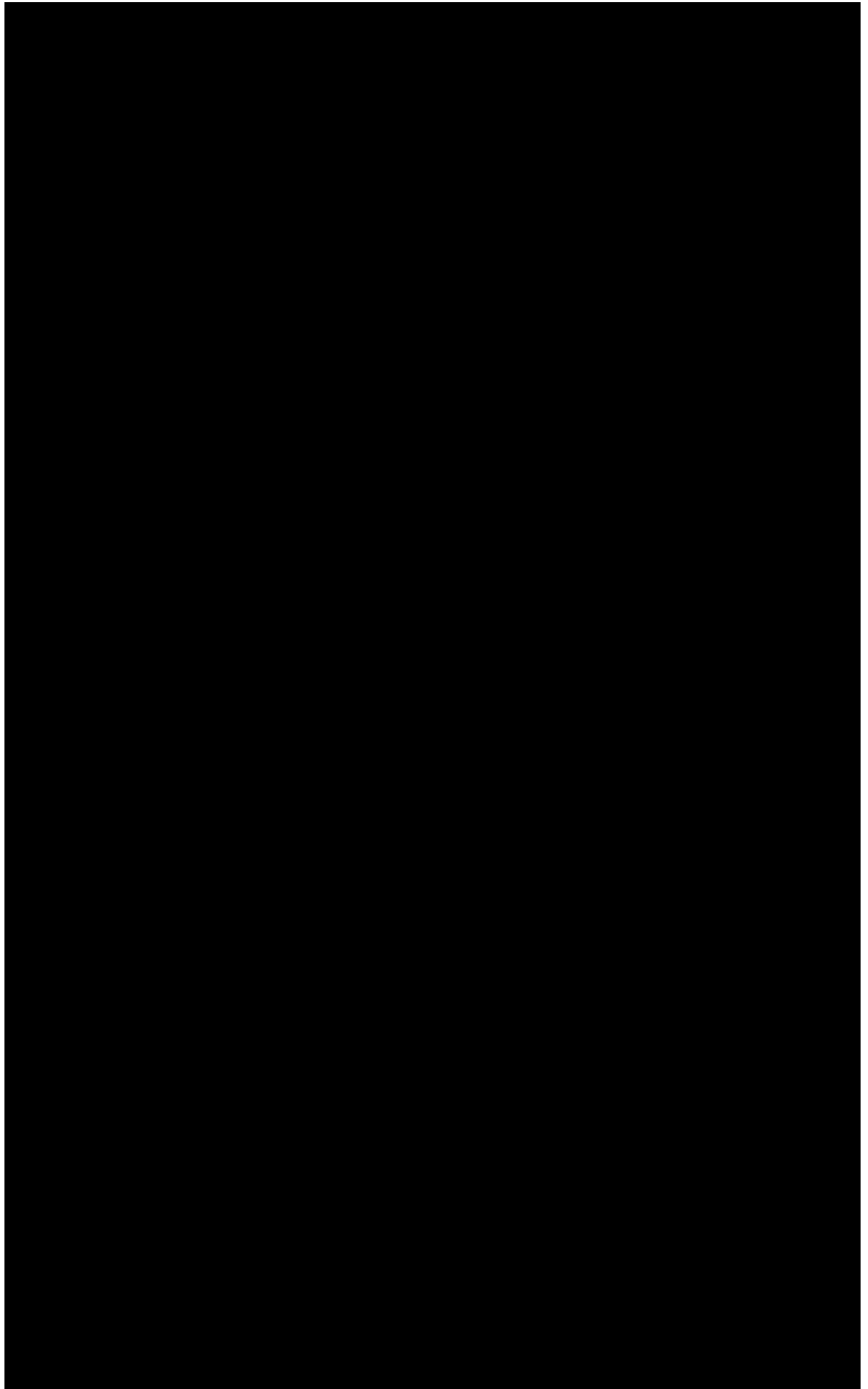
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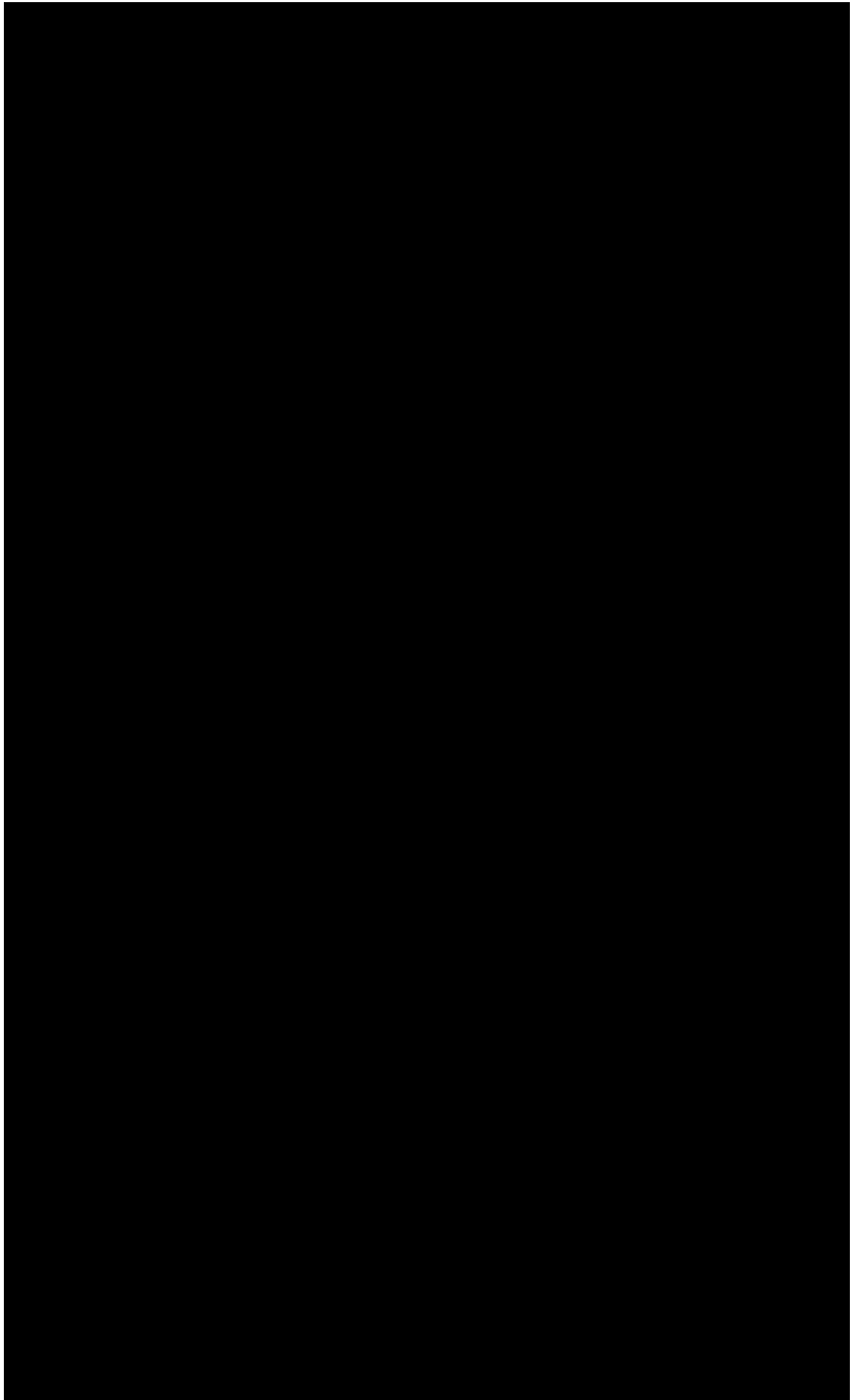
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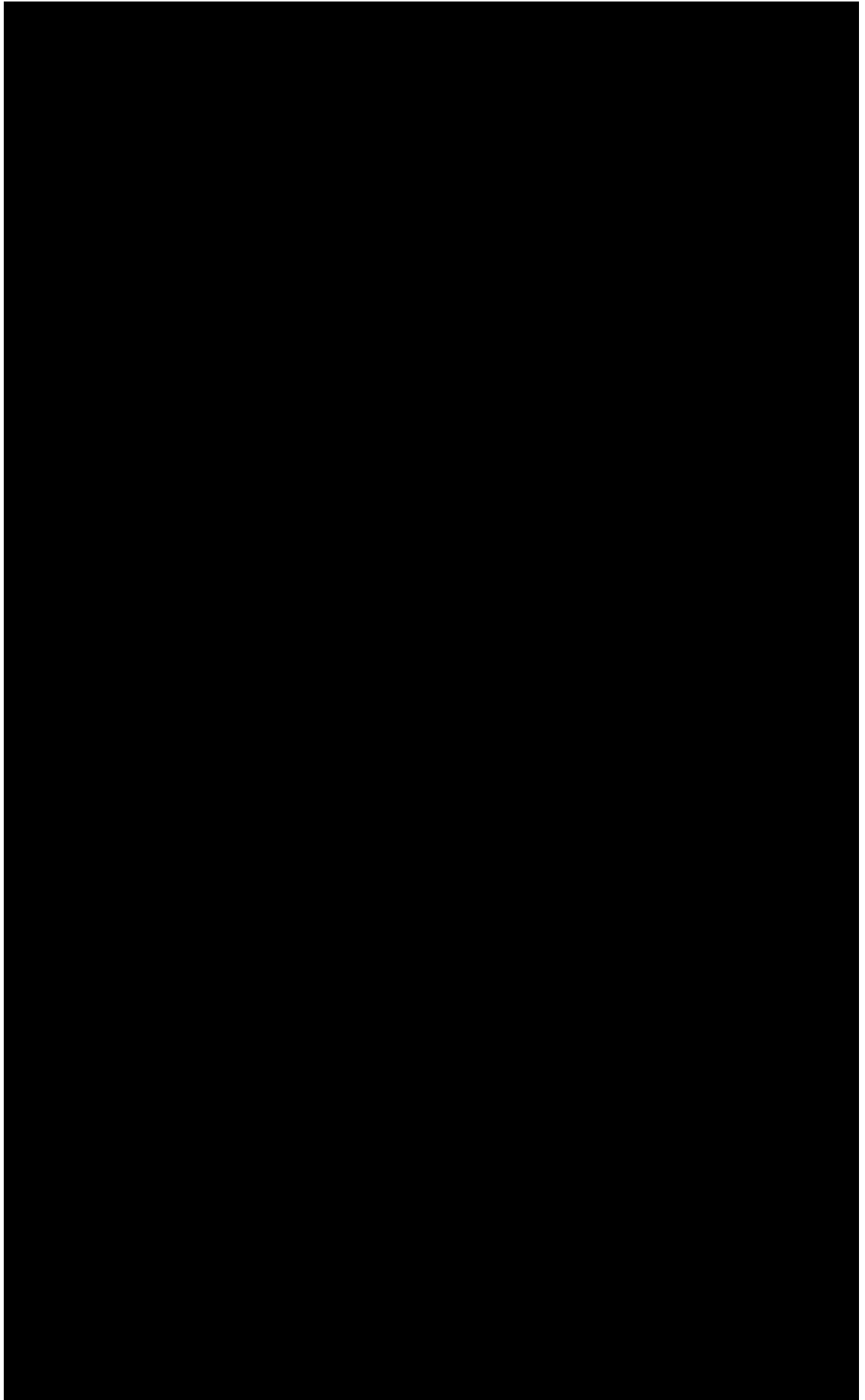
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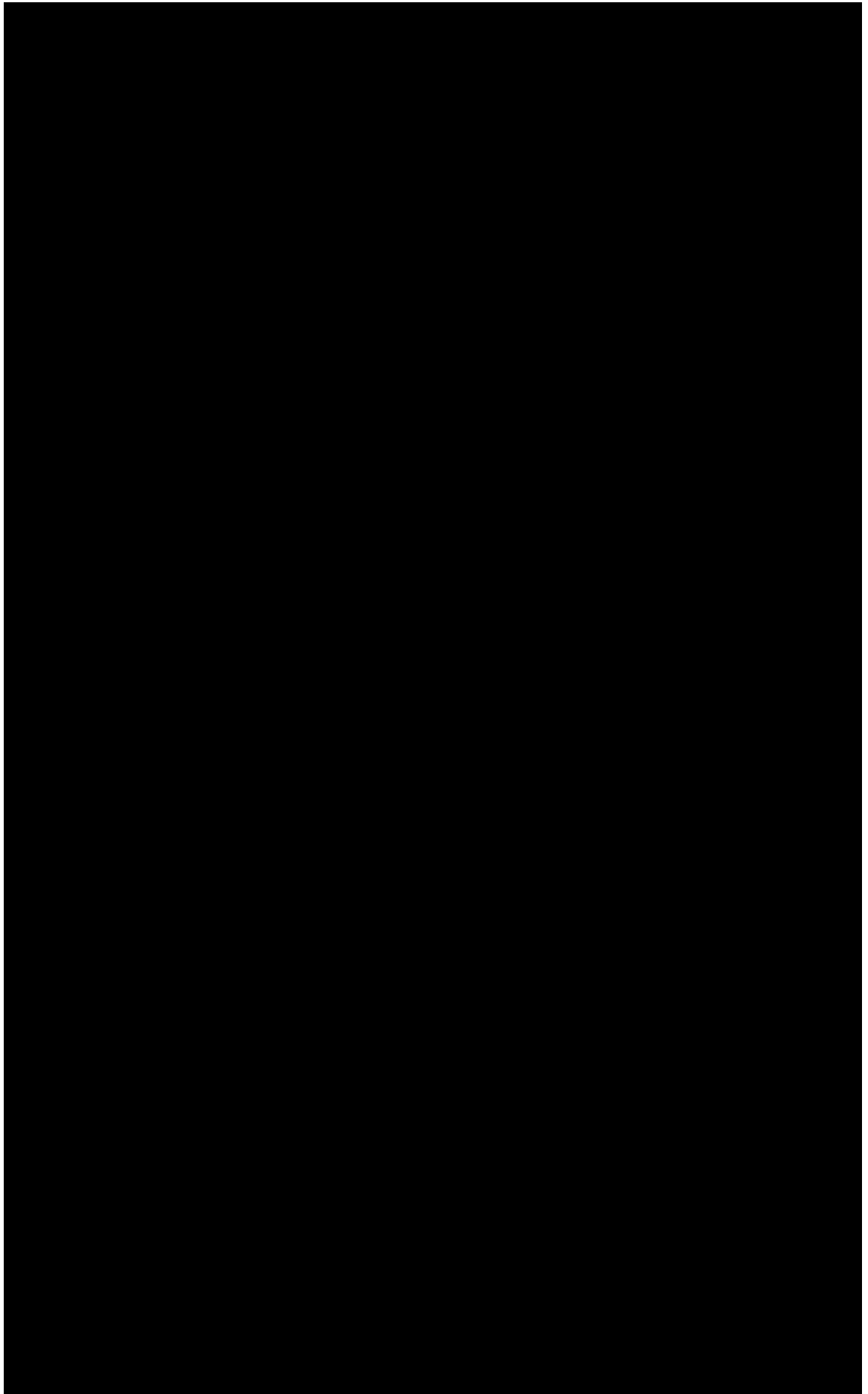
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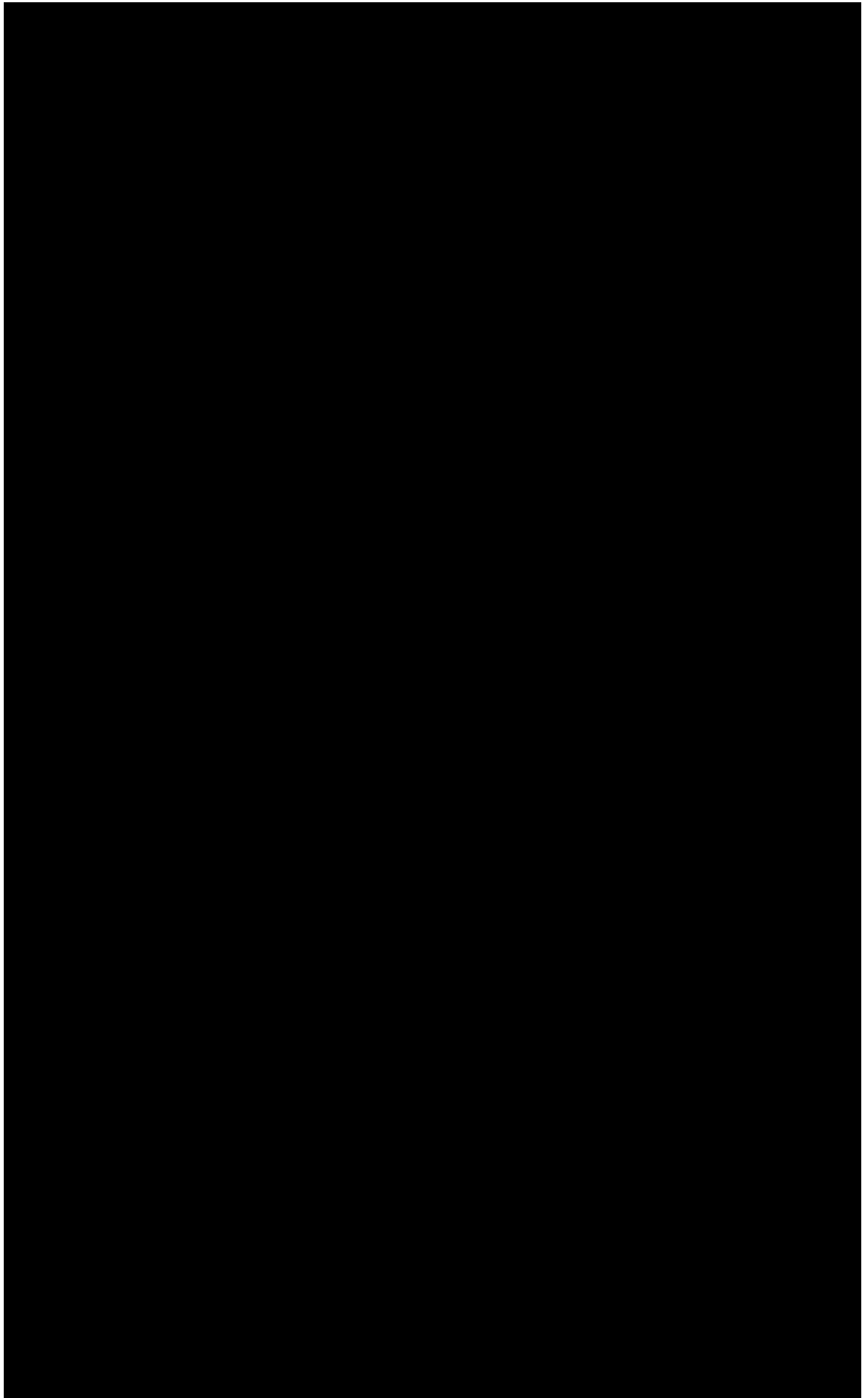
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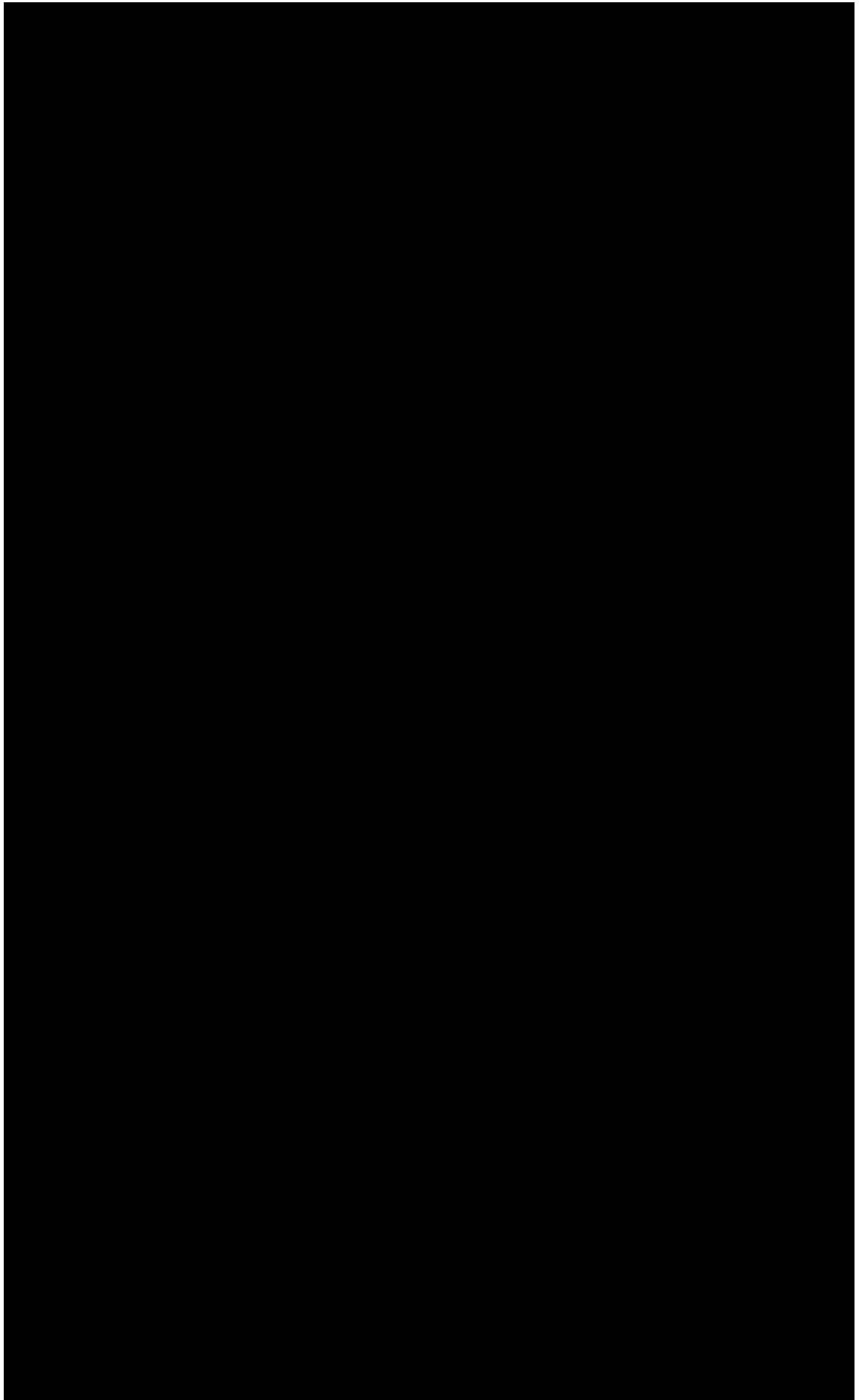
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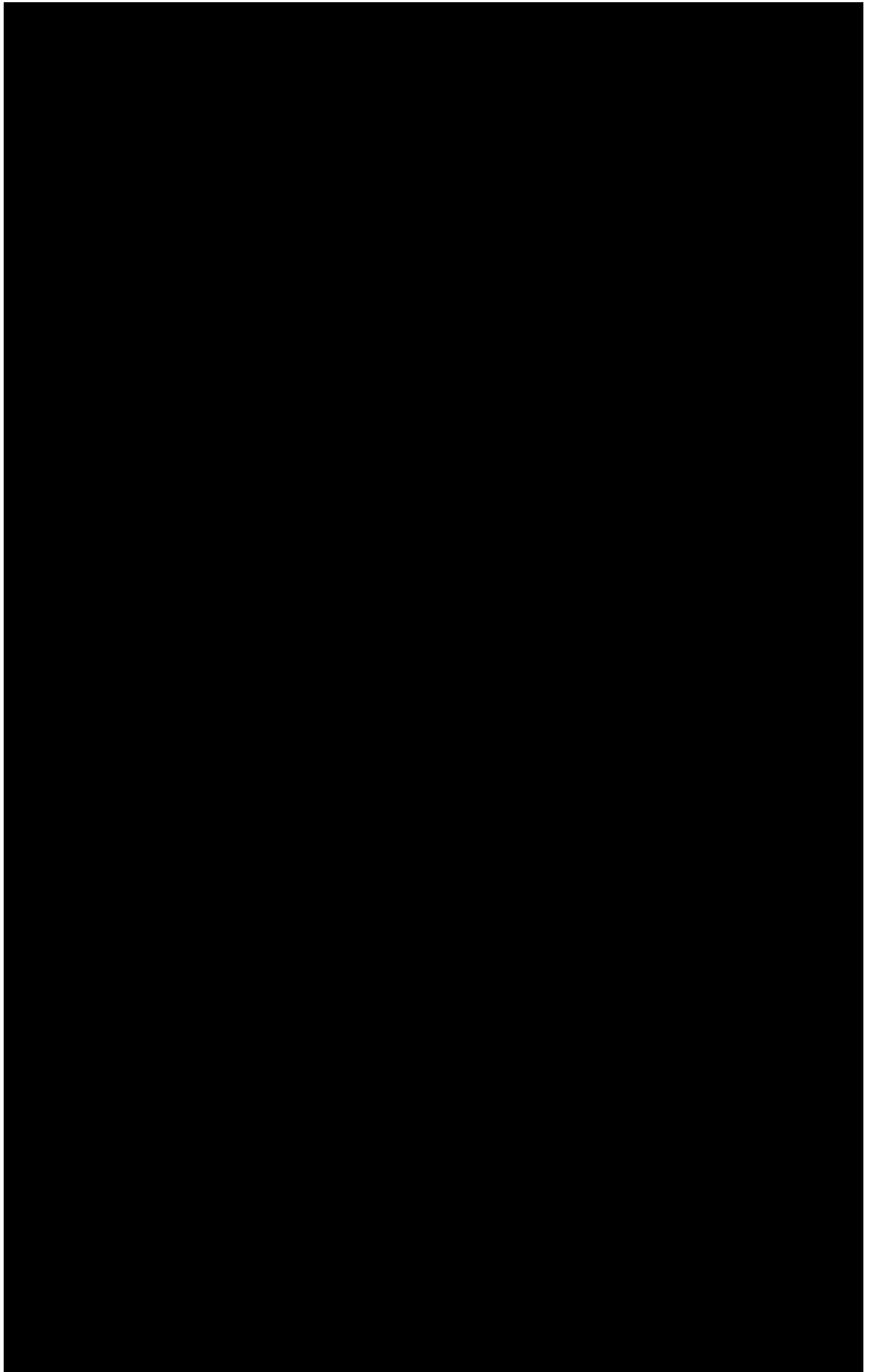
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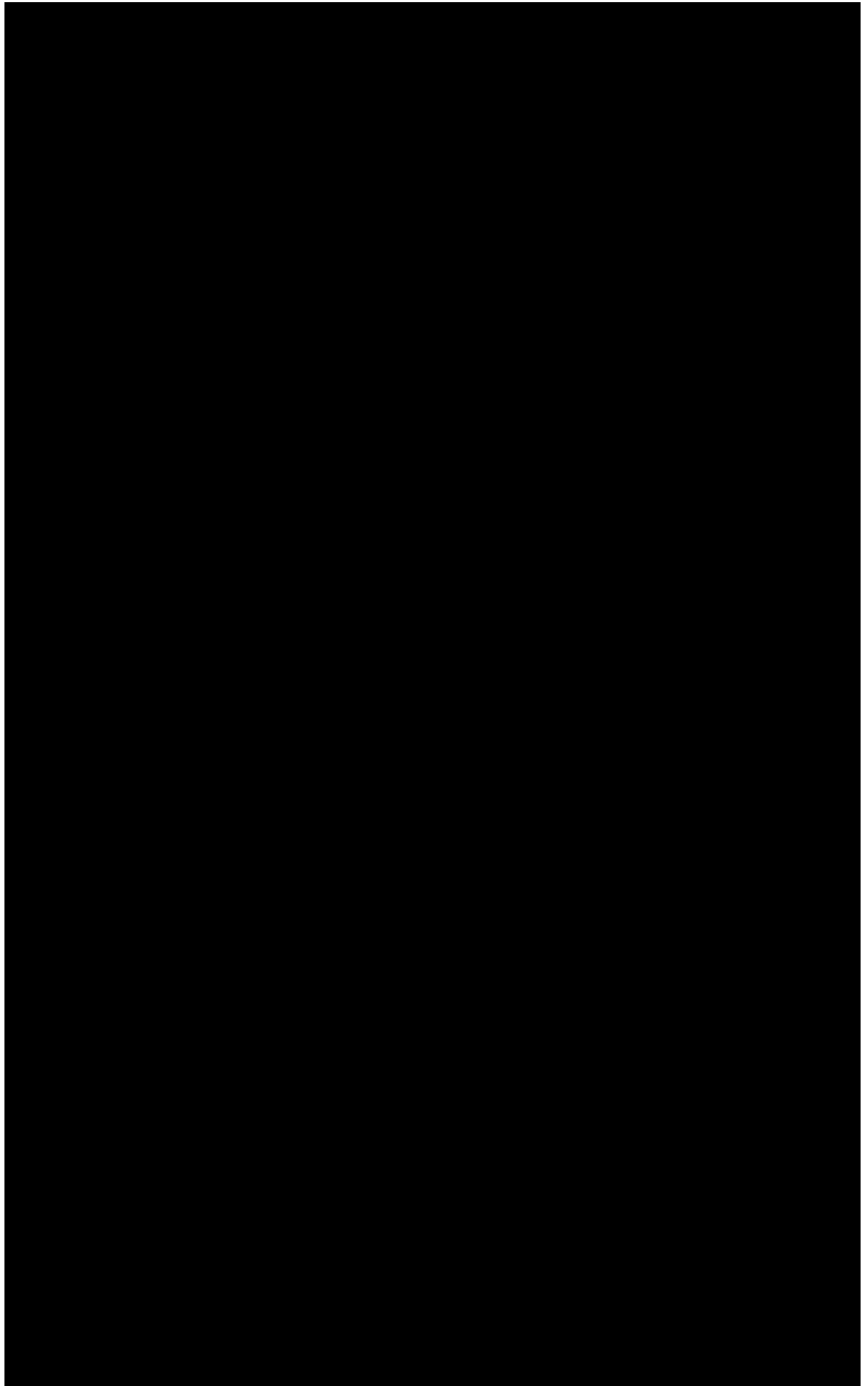
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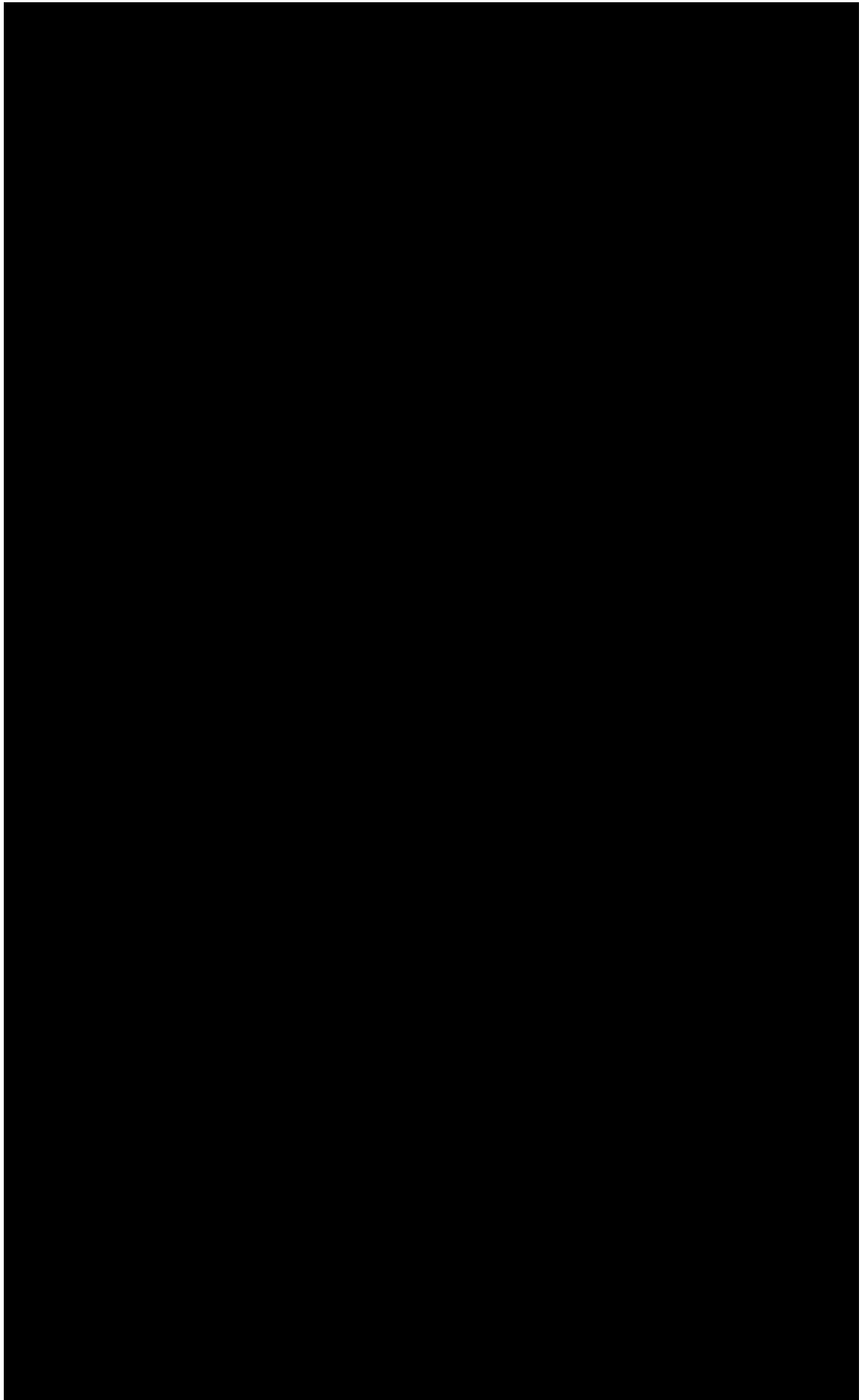
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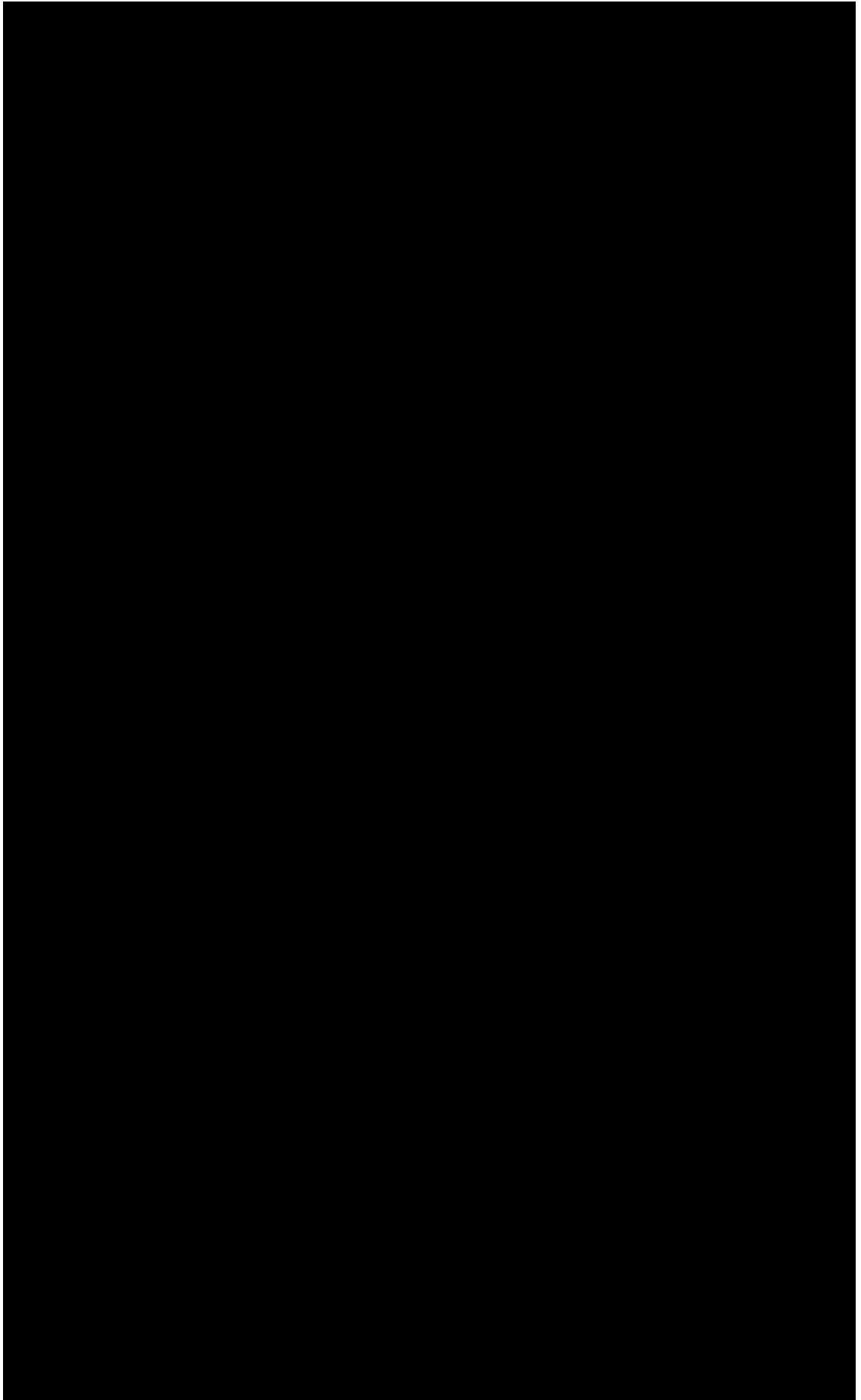
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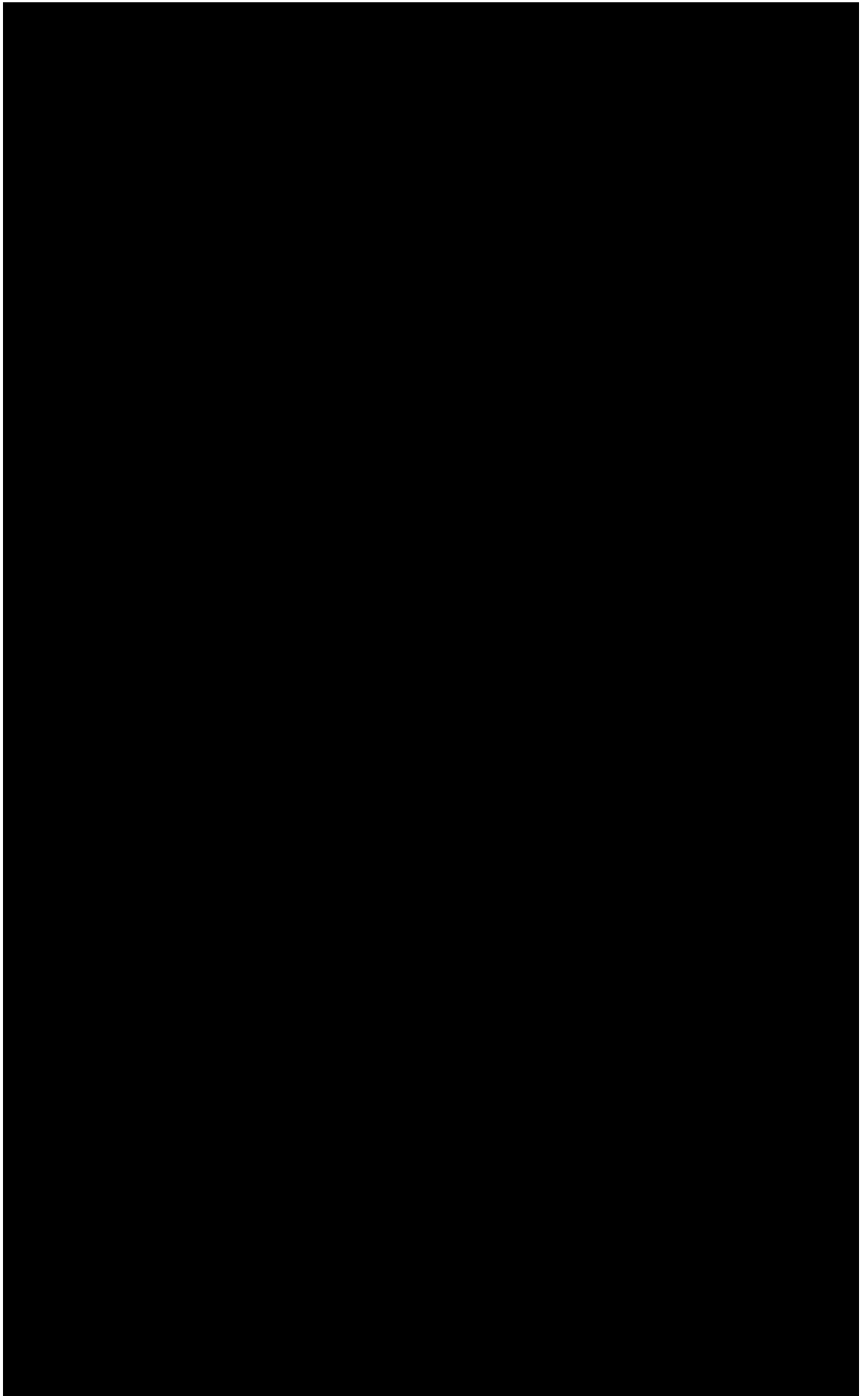
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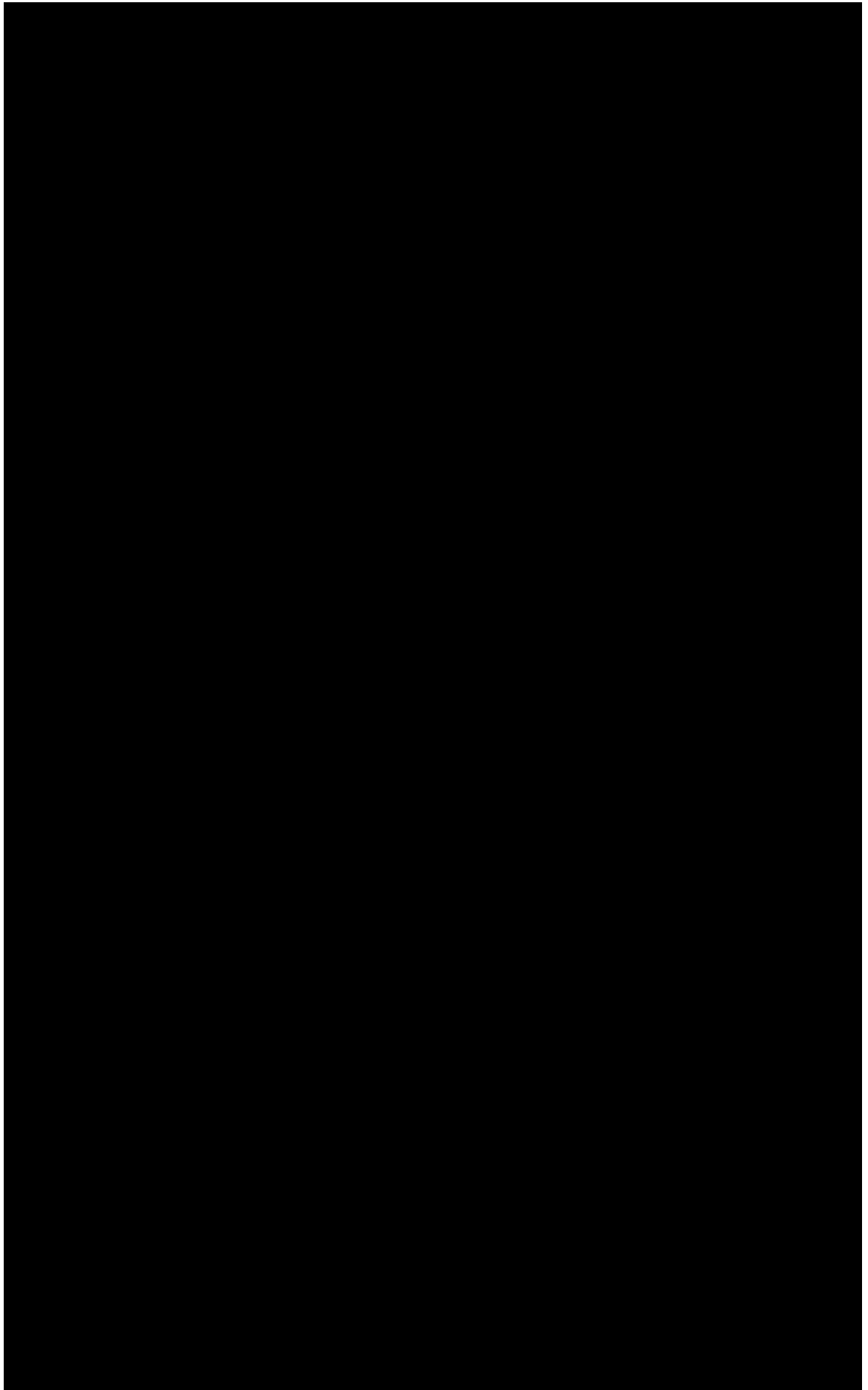
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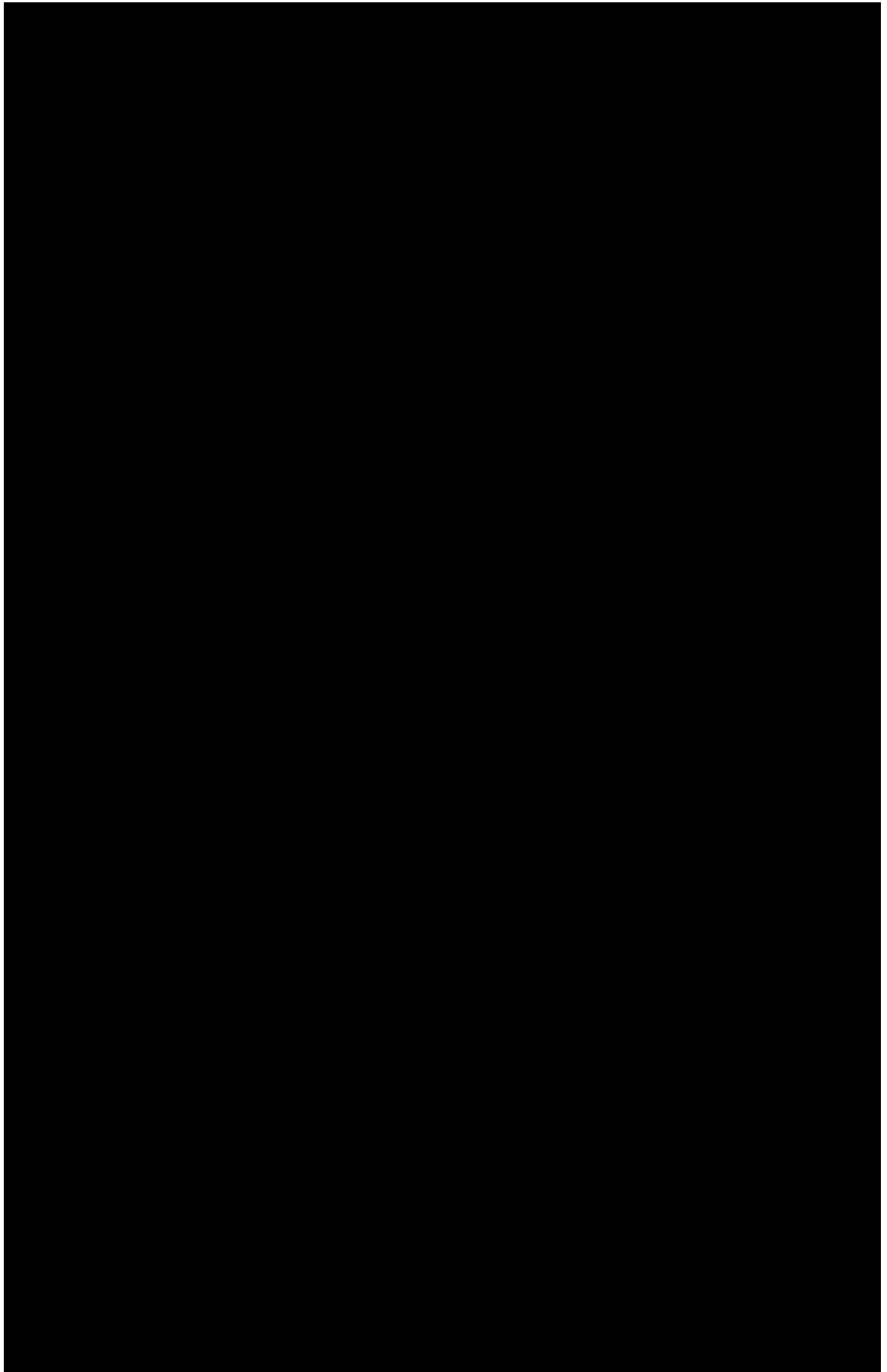
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MR. BAKER: I think it's

1 time to break for lunch. Do you
2 want to try to take, what,
3 30 minutes?

4 THE WITNESS: Ten minutes?

5 MR. BAKER: For lunch?

6 MS. MILLER: No. 30 minutes
7 would be great.

8 THE VIDEOGRAPHER: Off the
9 record. The time is 12:29.

10 (Lunch break.)

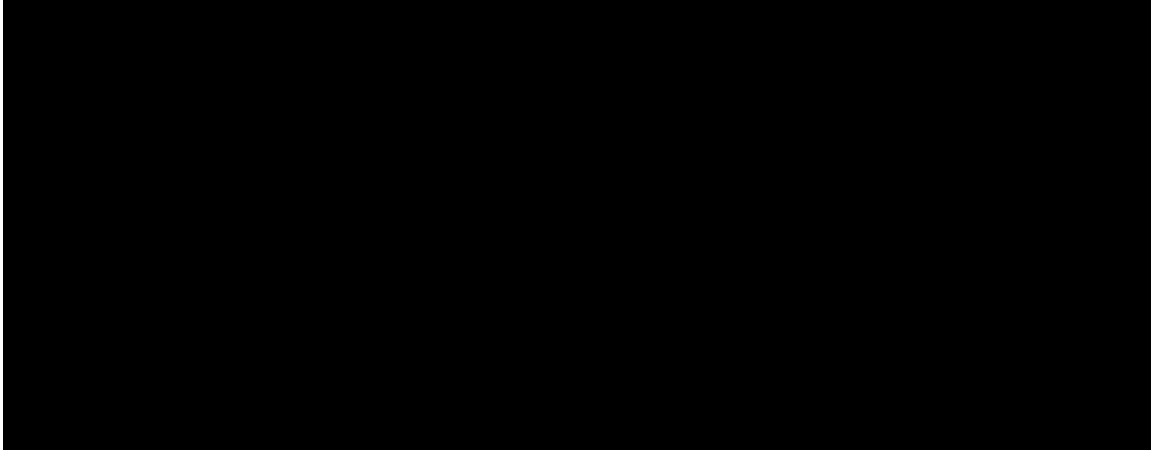
11 THE VIDEOGRAPHER: We're
12 going back on record. Beginning
13 of Media File Number 6. The time
14 is 1:14.

15 BY MR. BAKER:

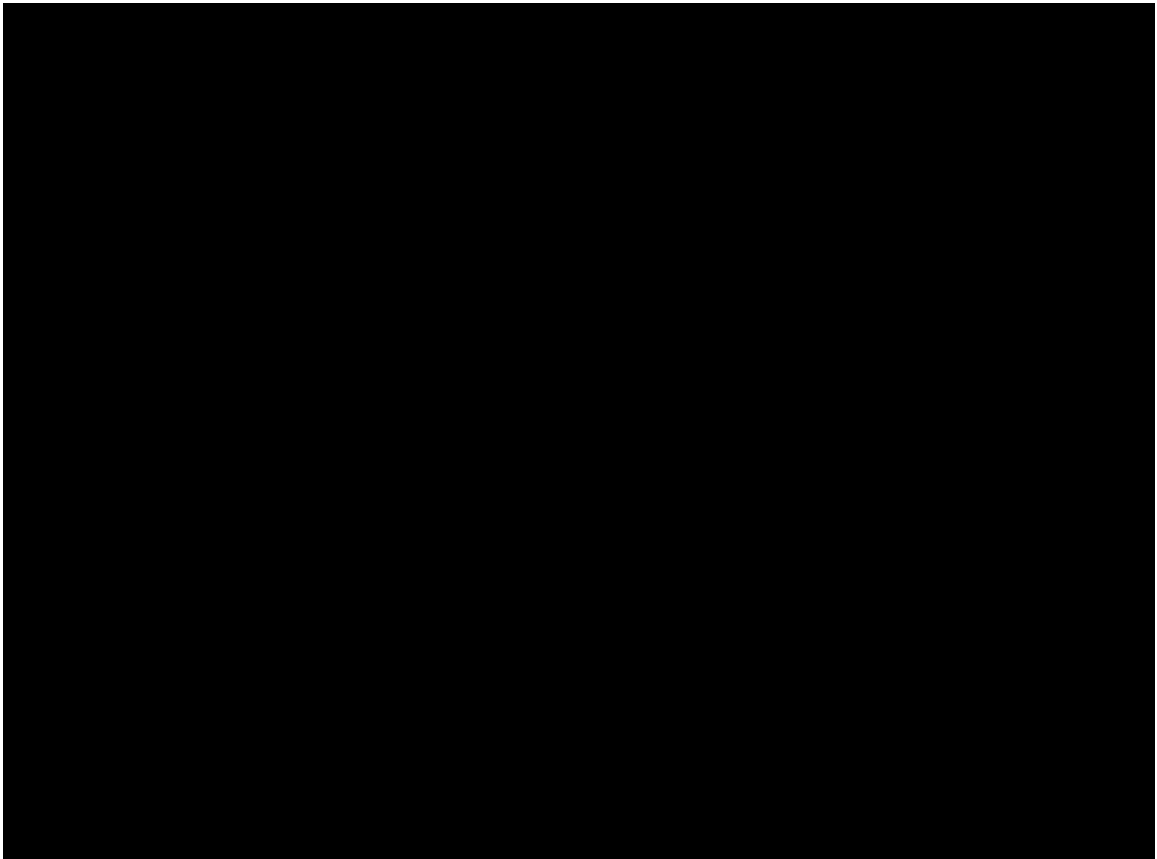
16 Q. Mr. Devlin, we just took a
17 lunch break, correct?

18 A. Yes.

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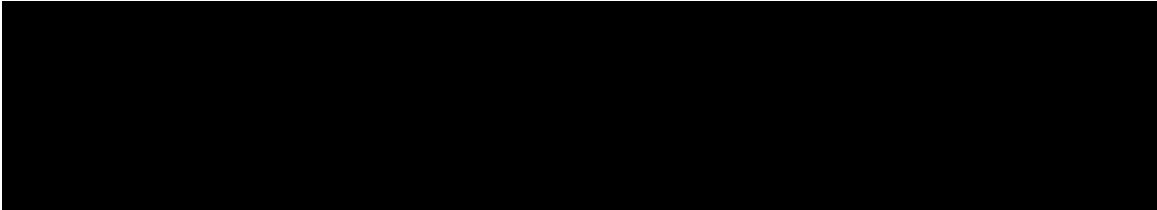


MR. BAKER: Let me go off
record for just a second.

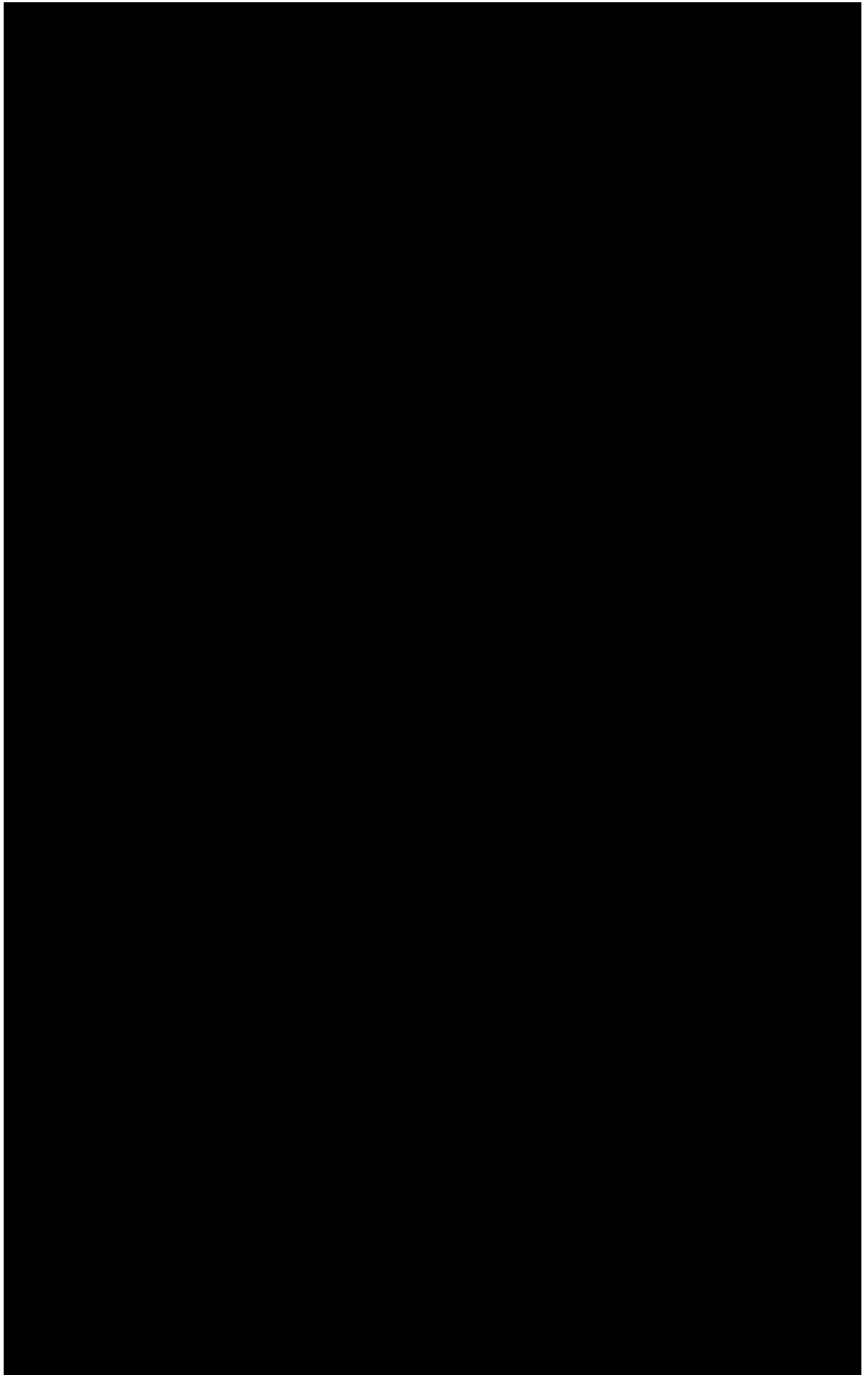
THE VIDEOGRAPHER: We're
going off record. The time is
1:15.

(Brief pause.)

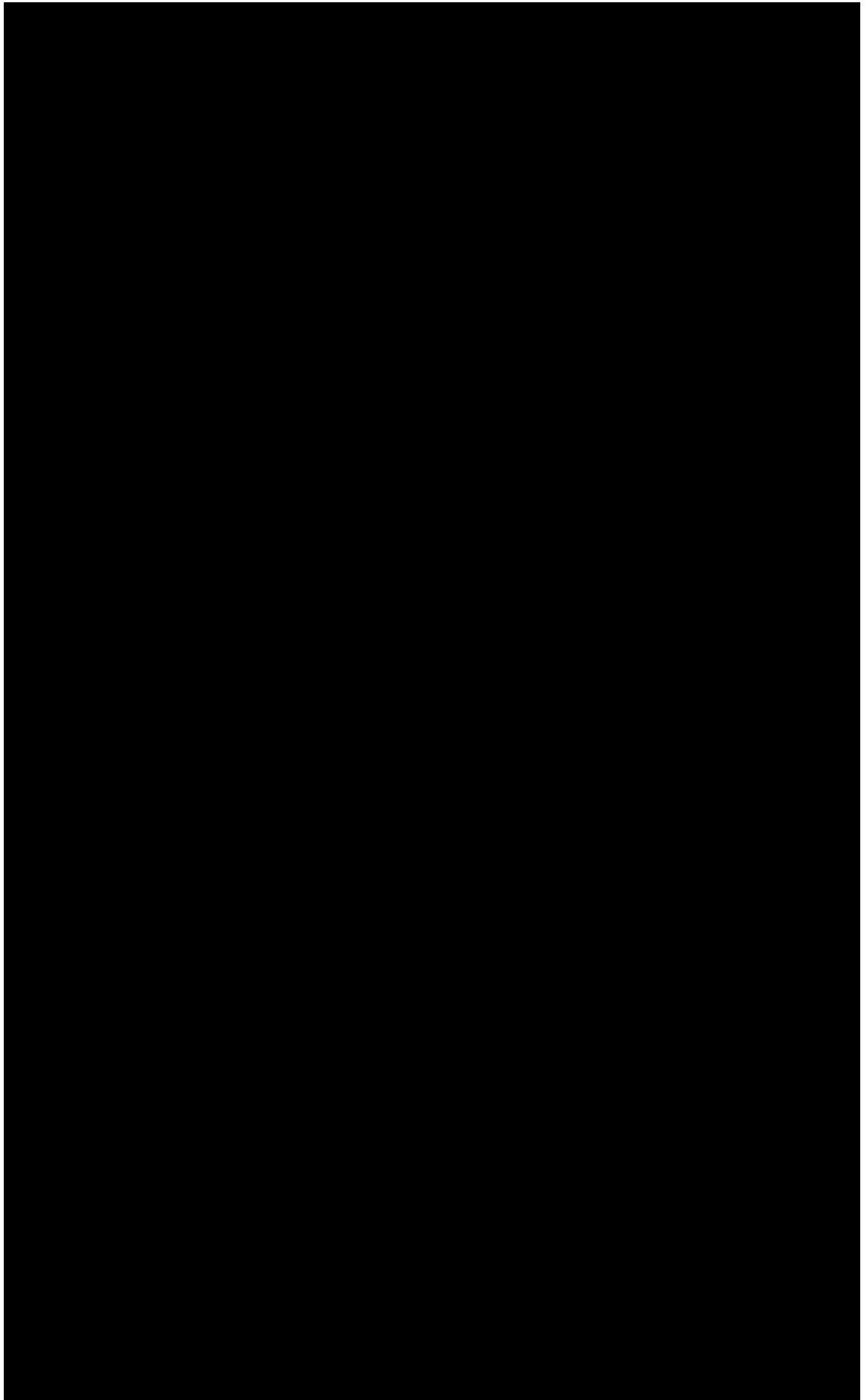
THE VIDEOGRAPHER: Going
back on record. Beginning of
Media File Number 7. The time is
1:17.



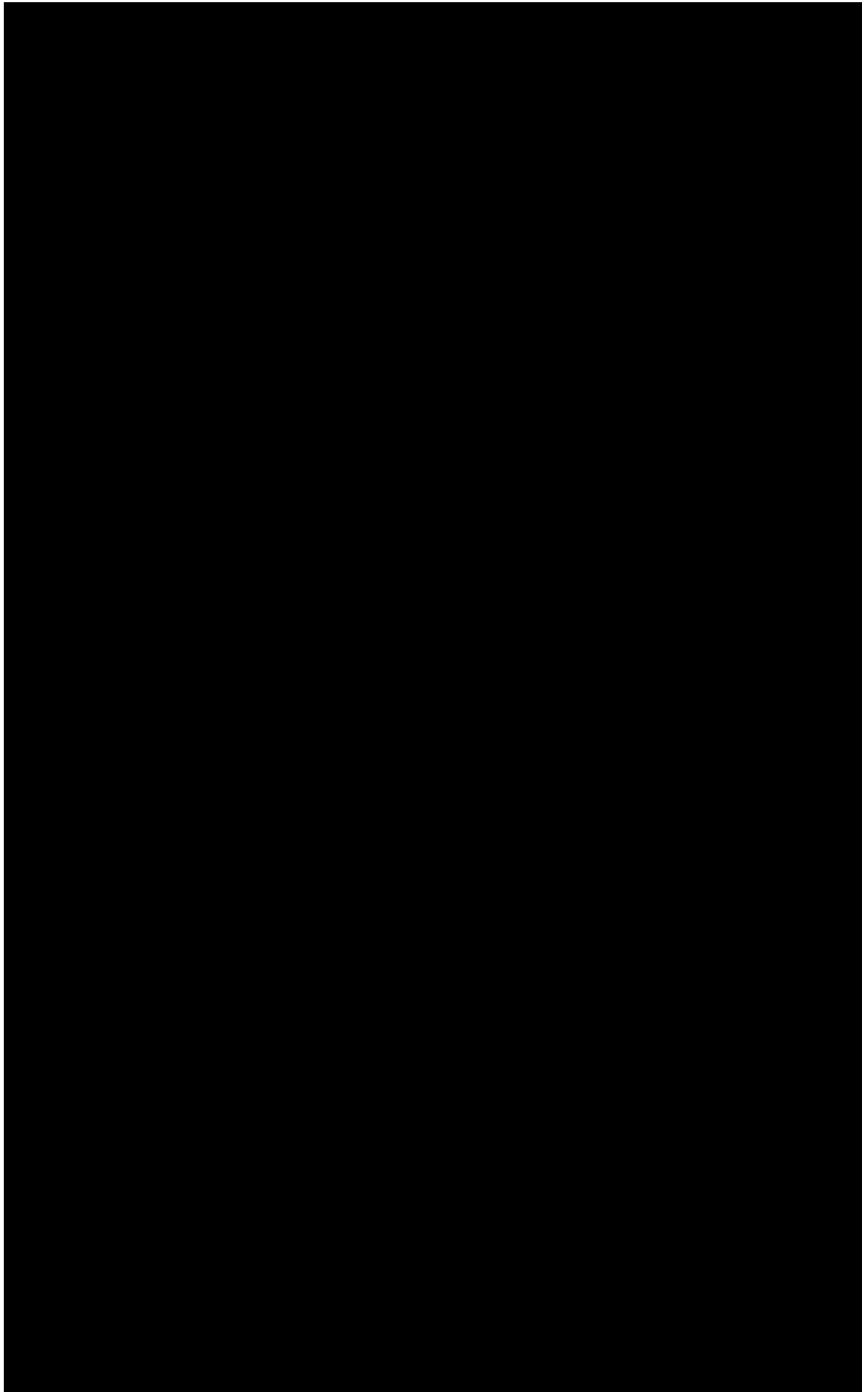
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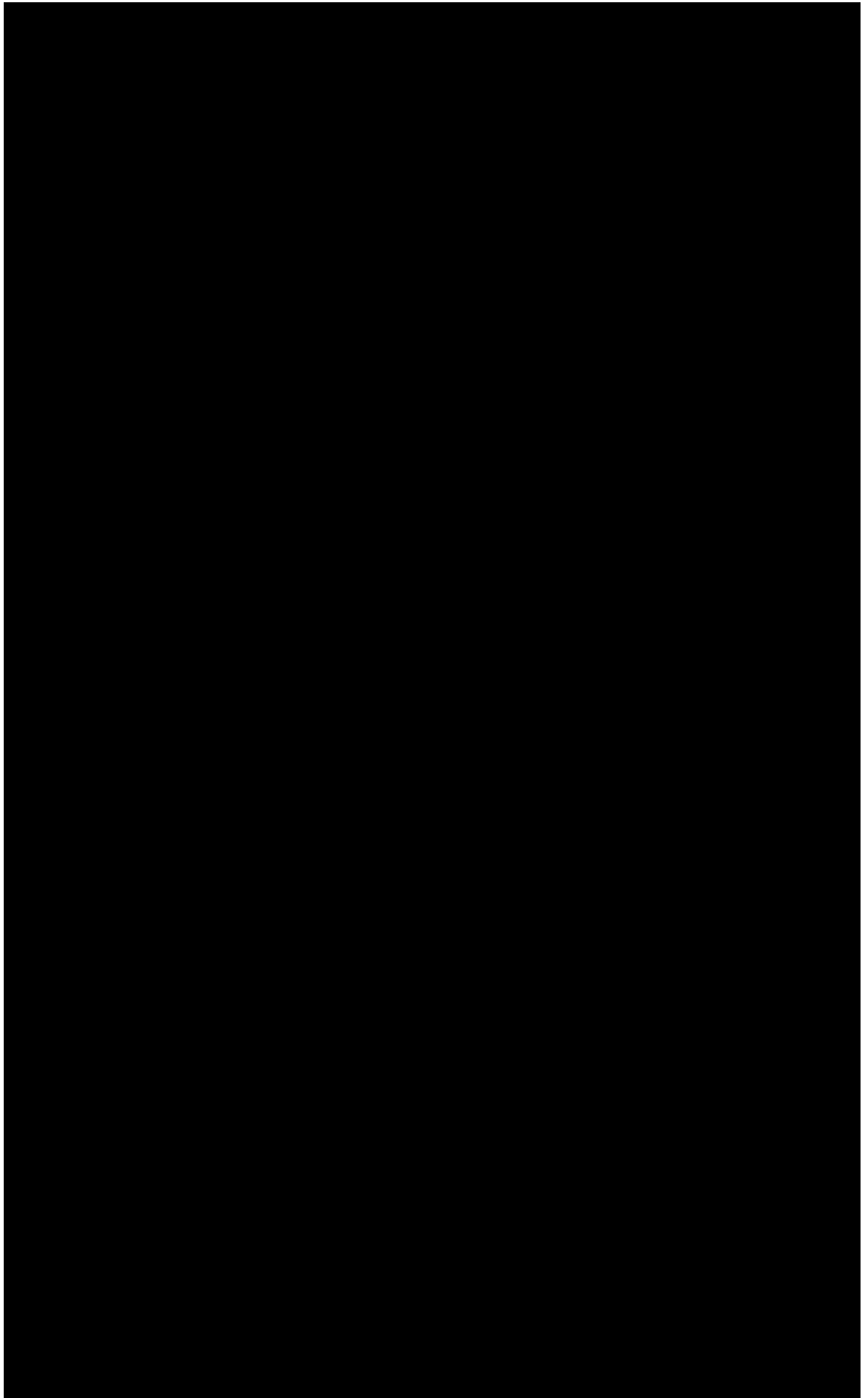
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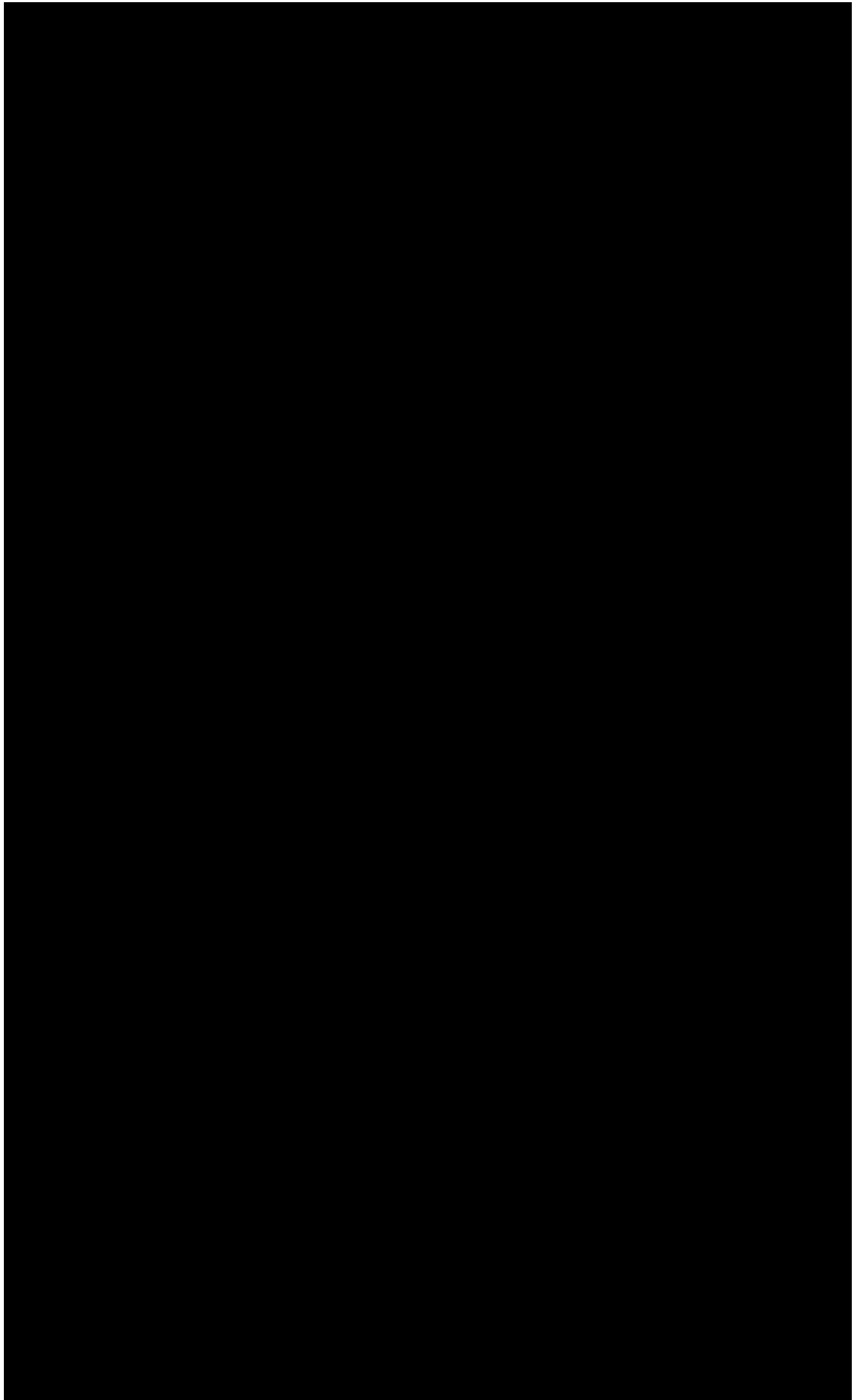
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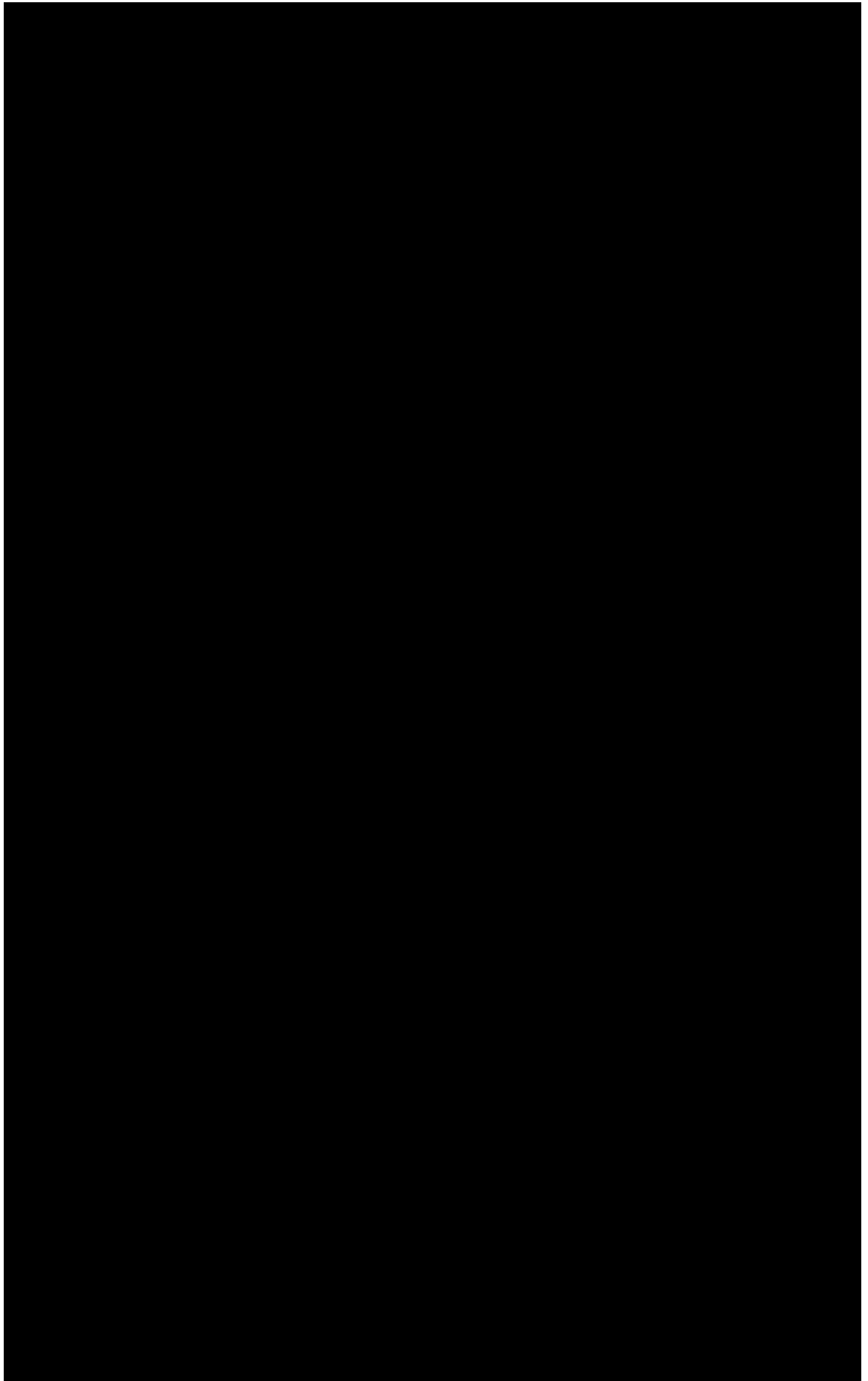
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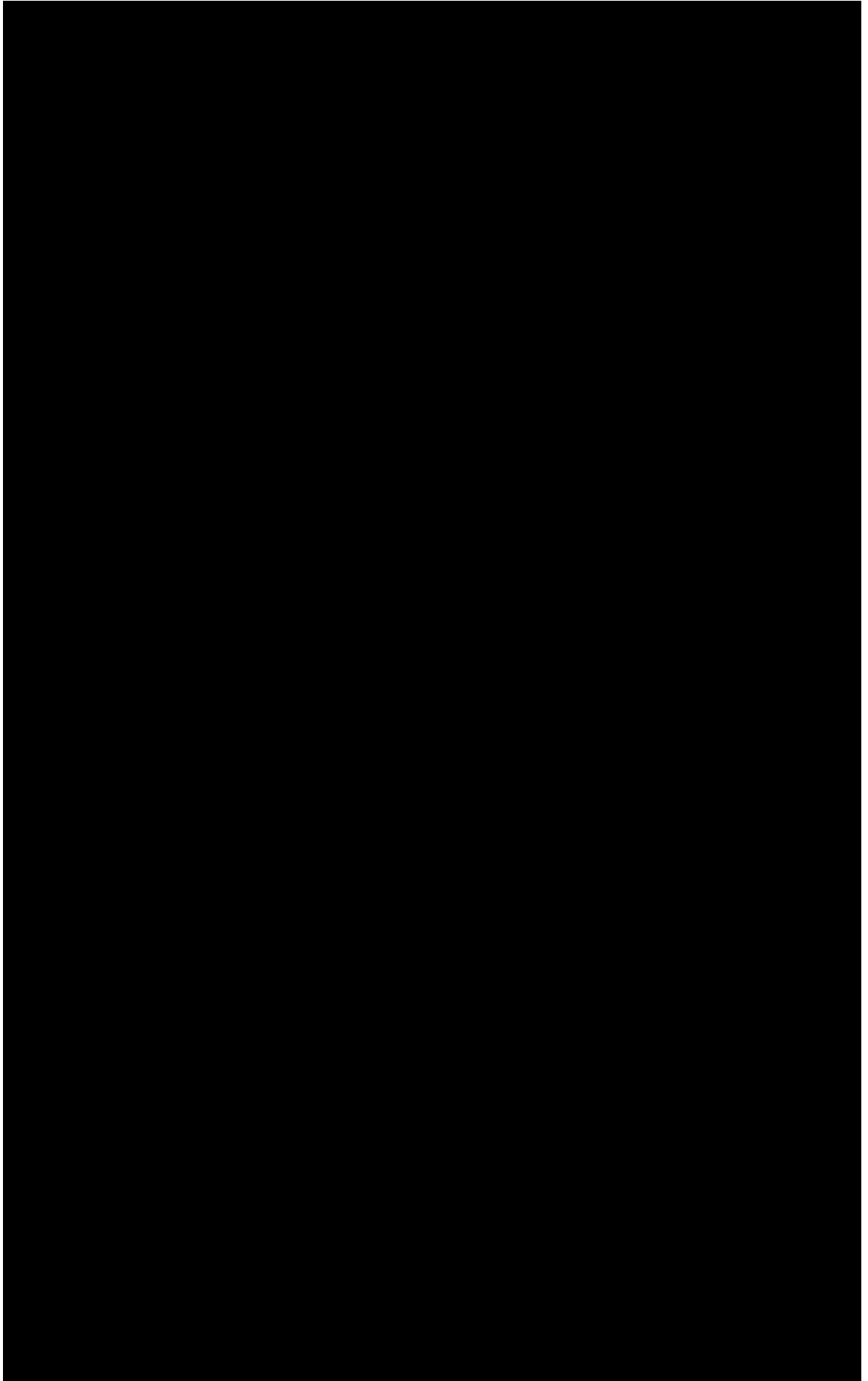
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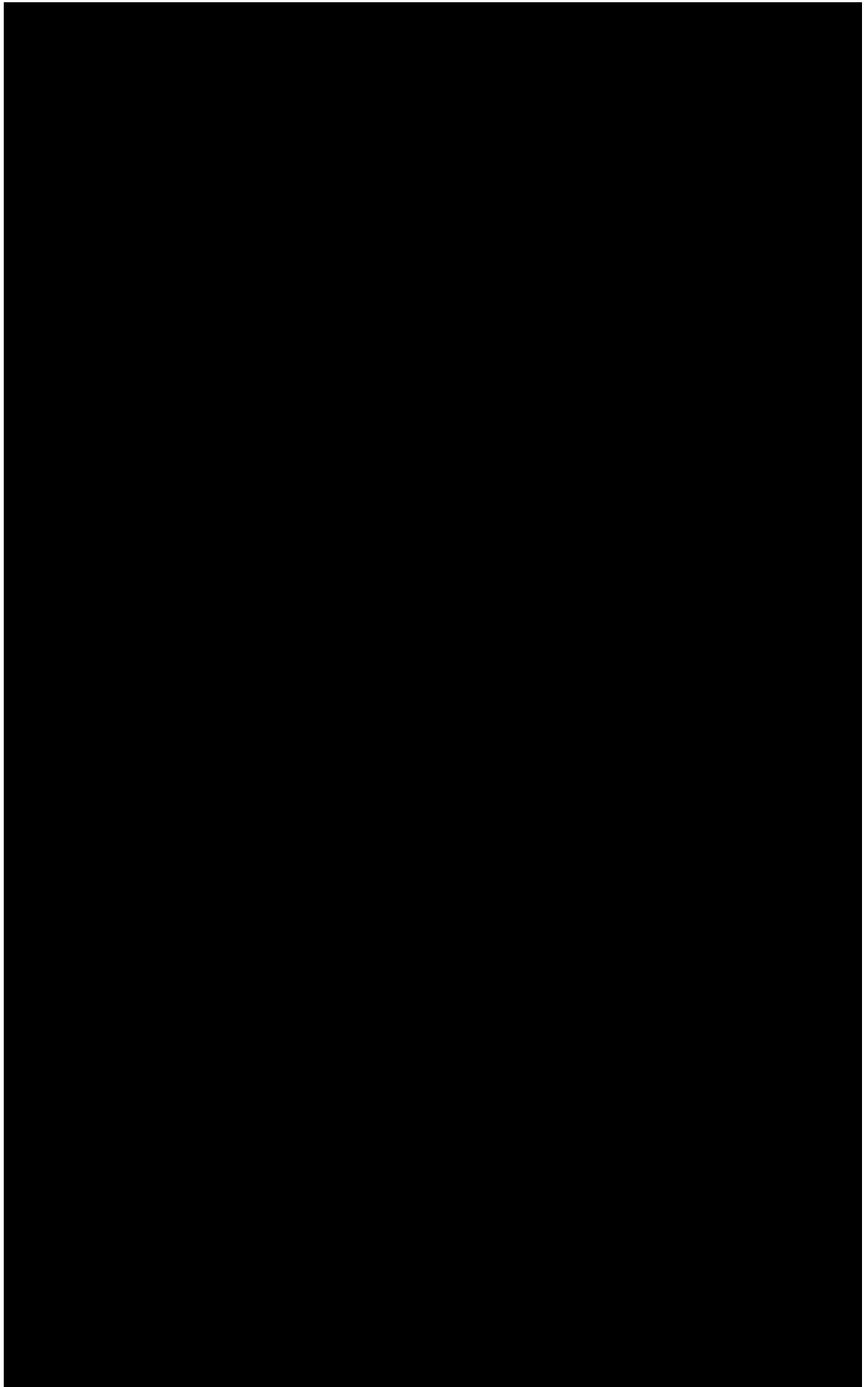
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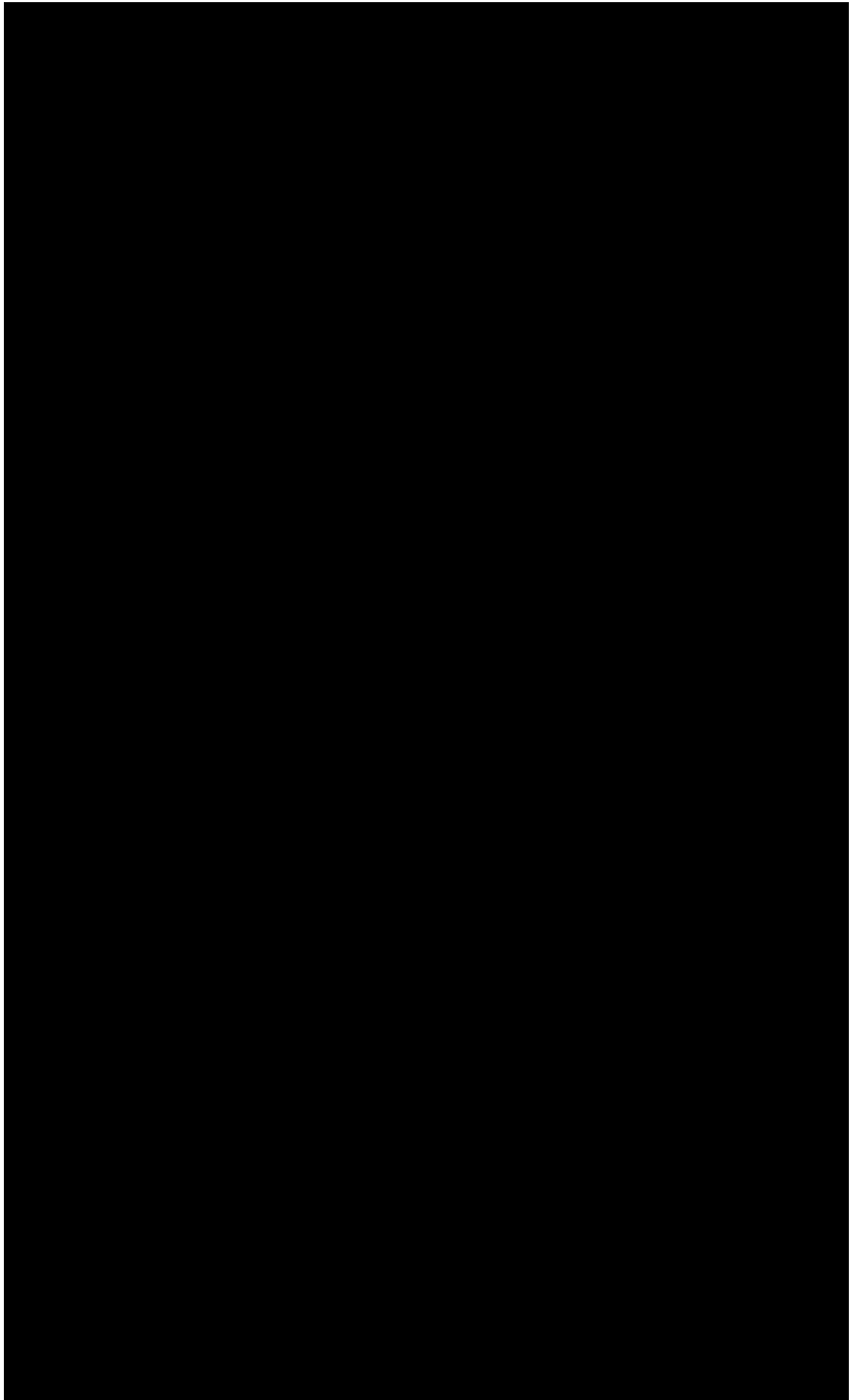
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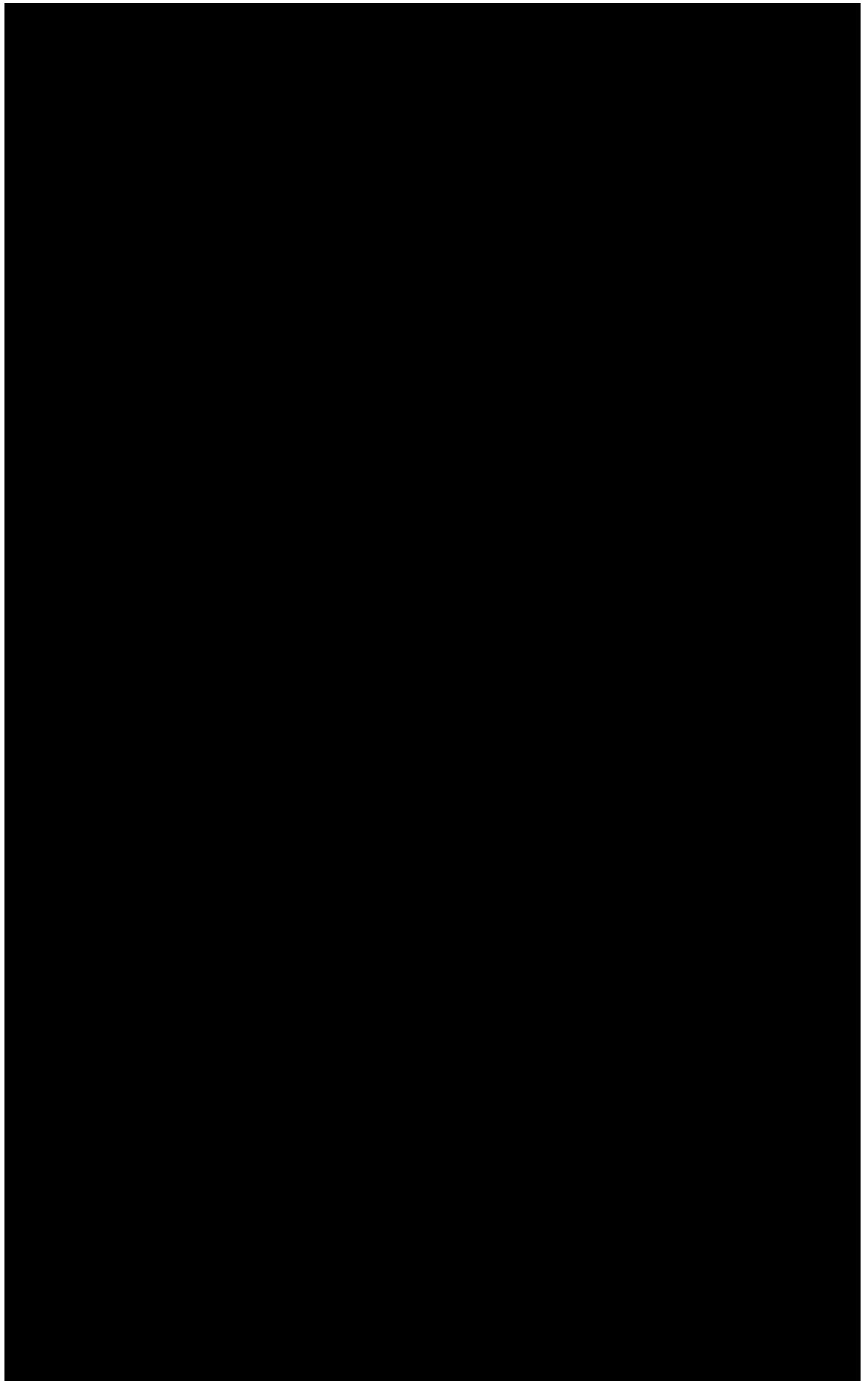
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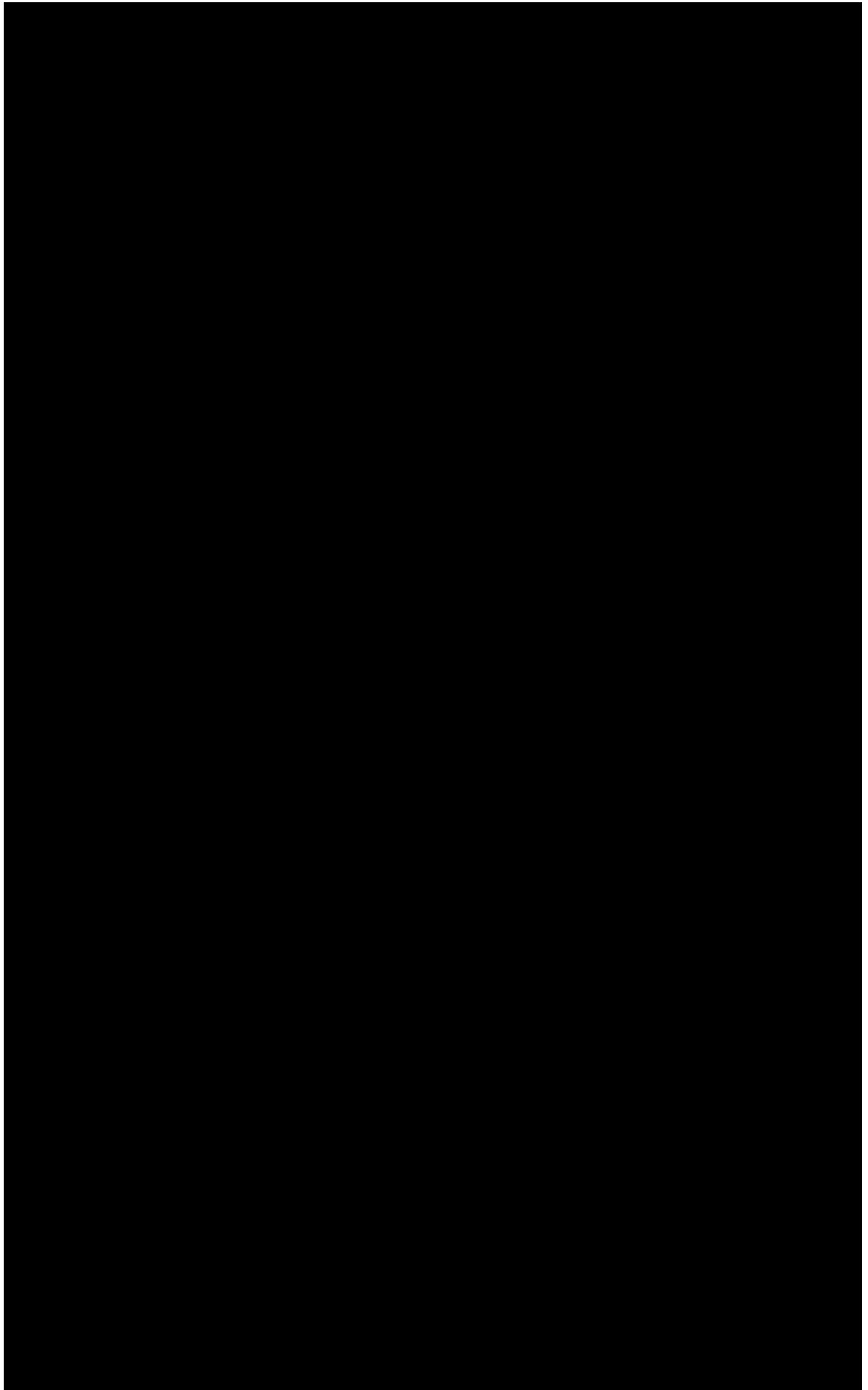
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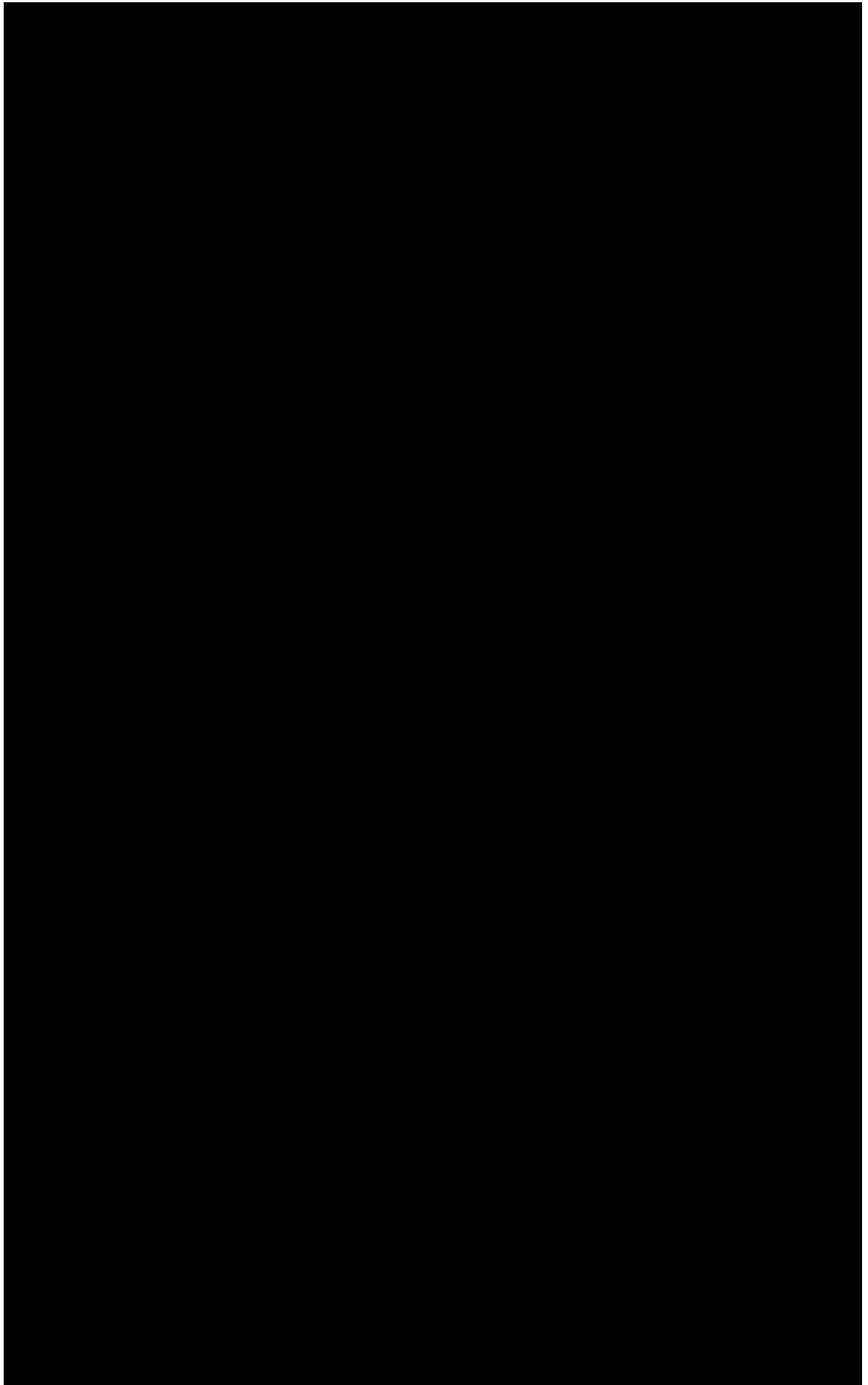
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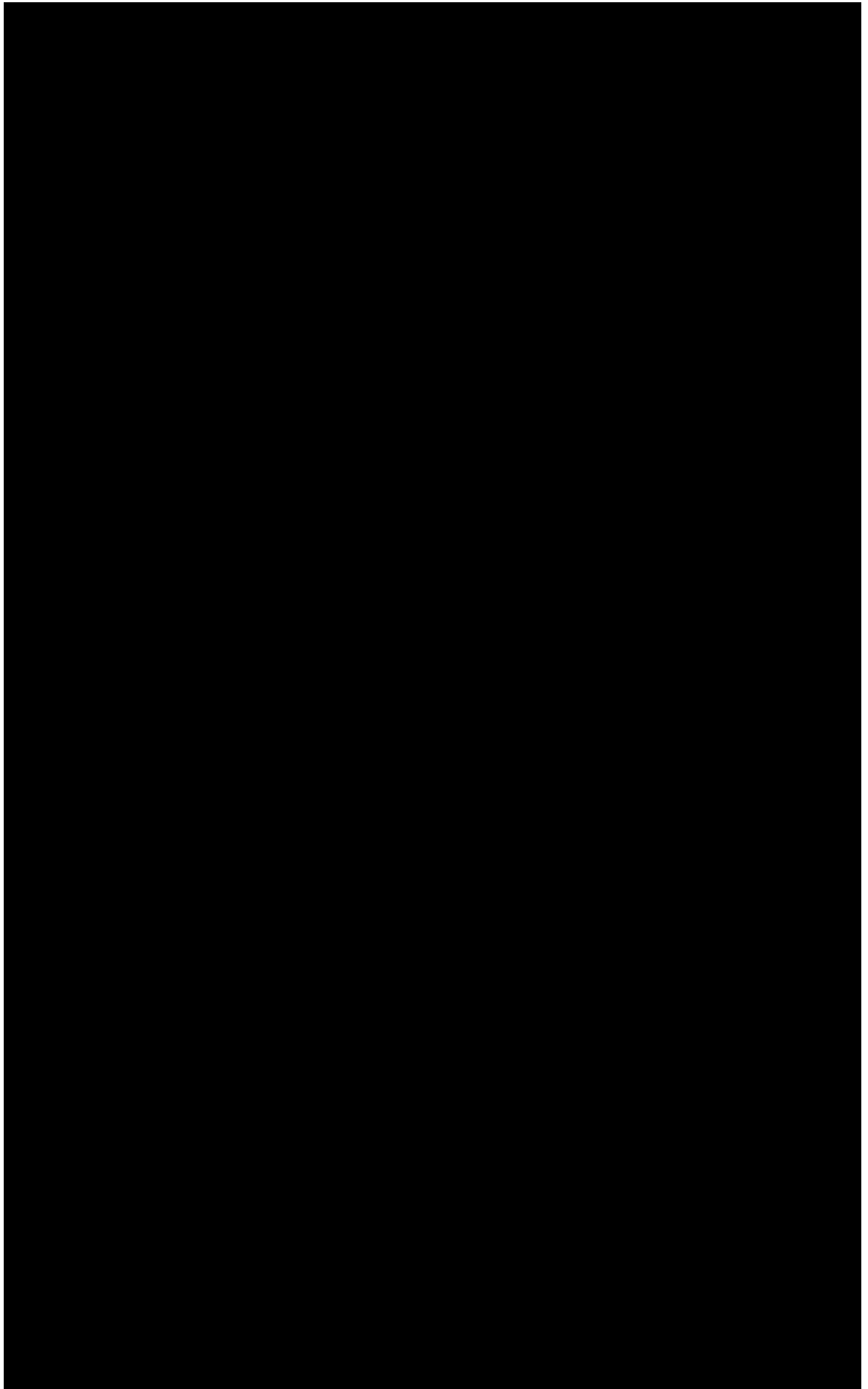
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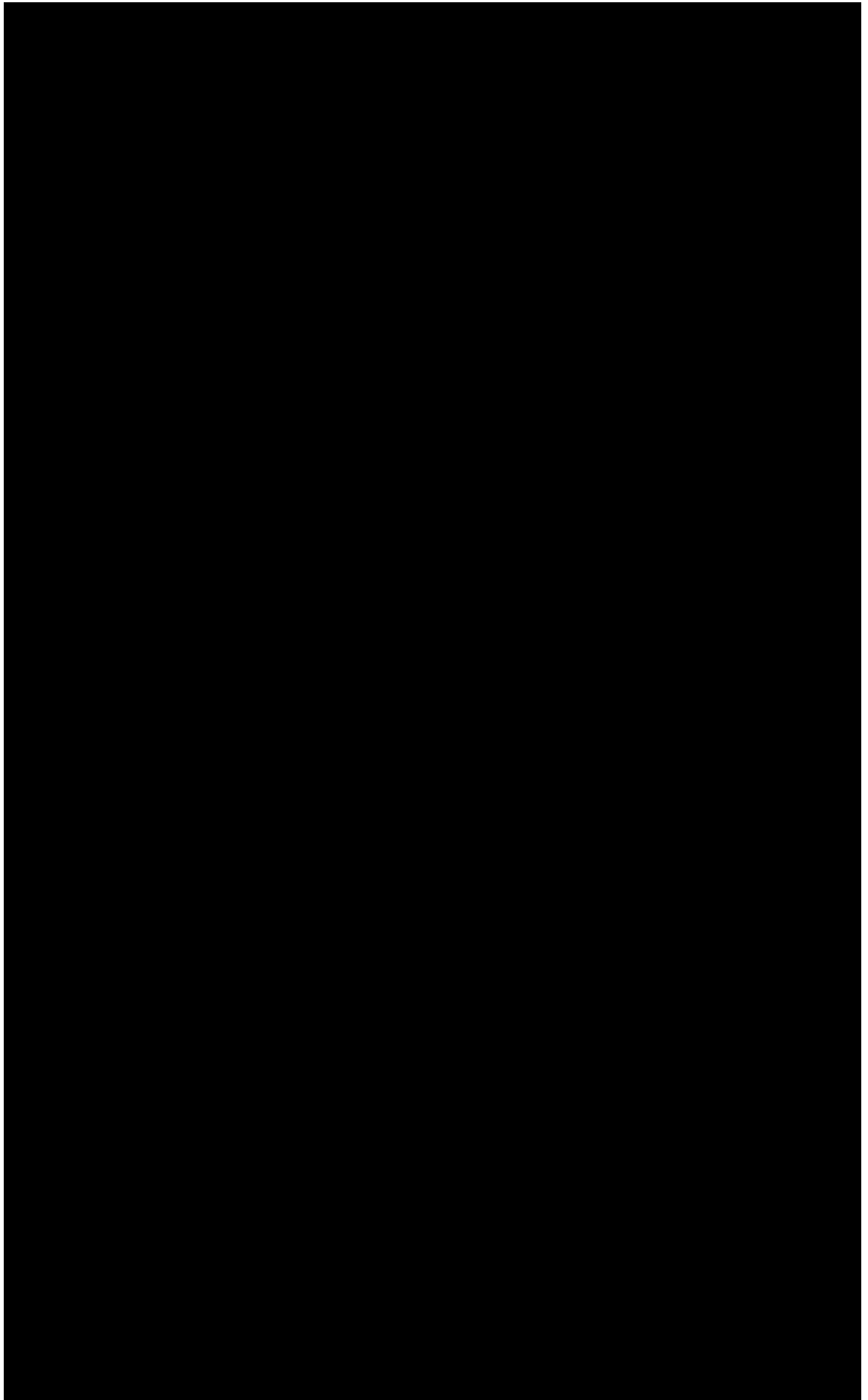
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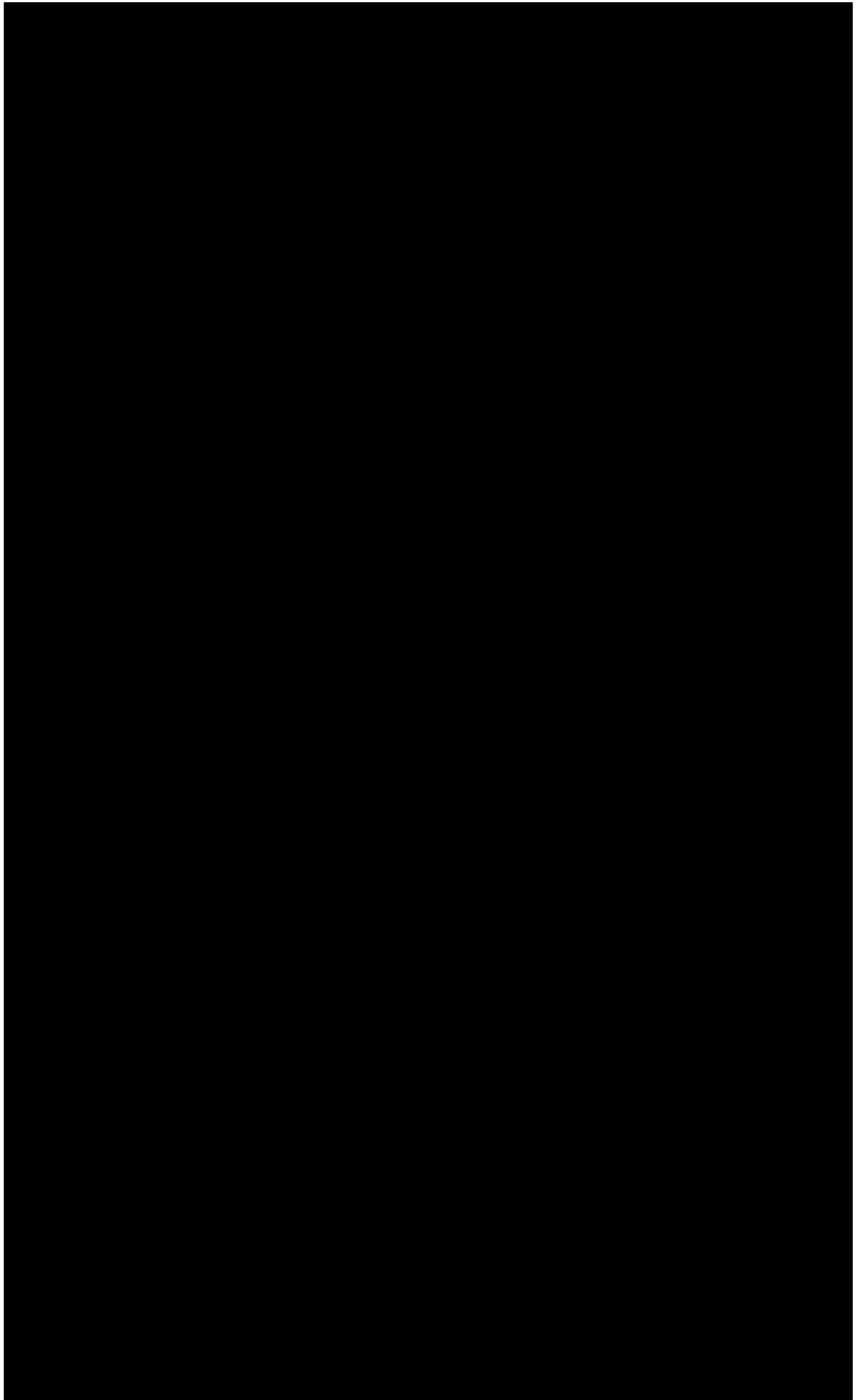
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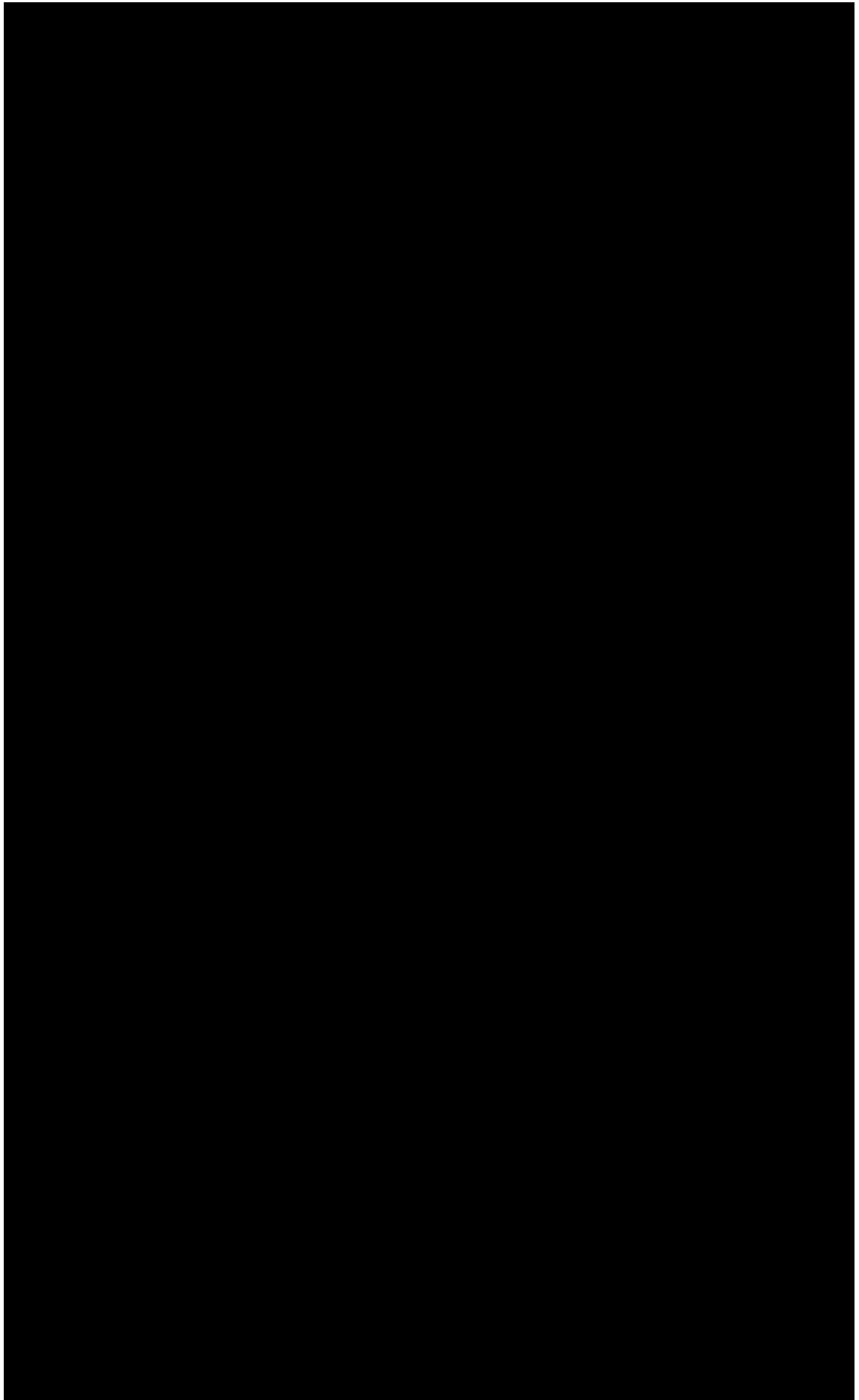
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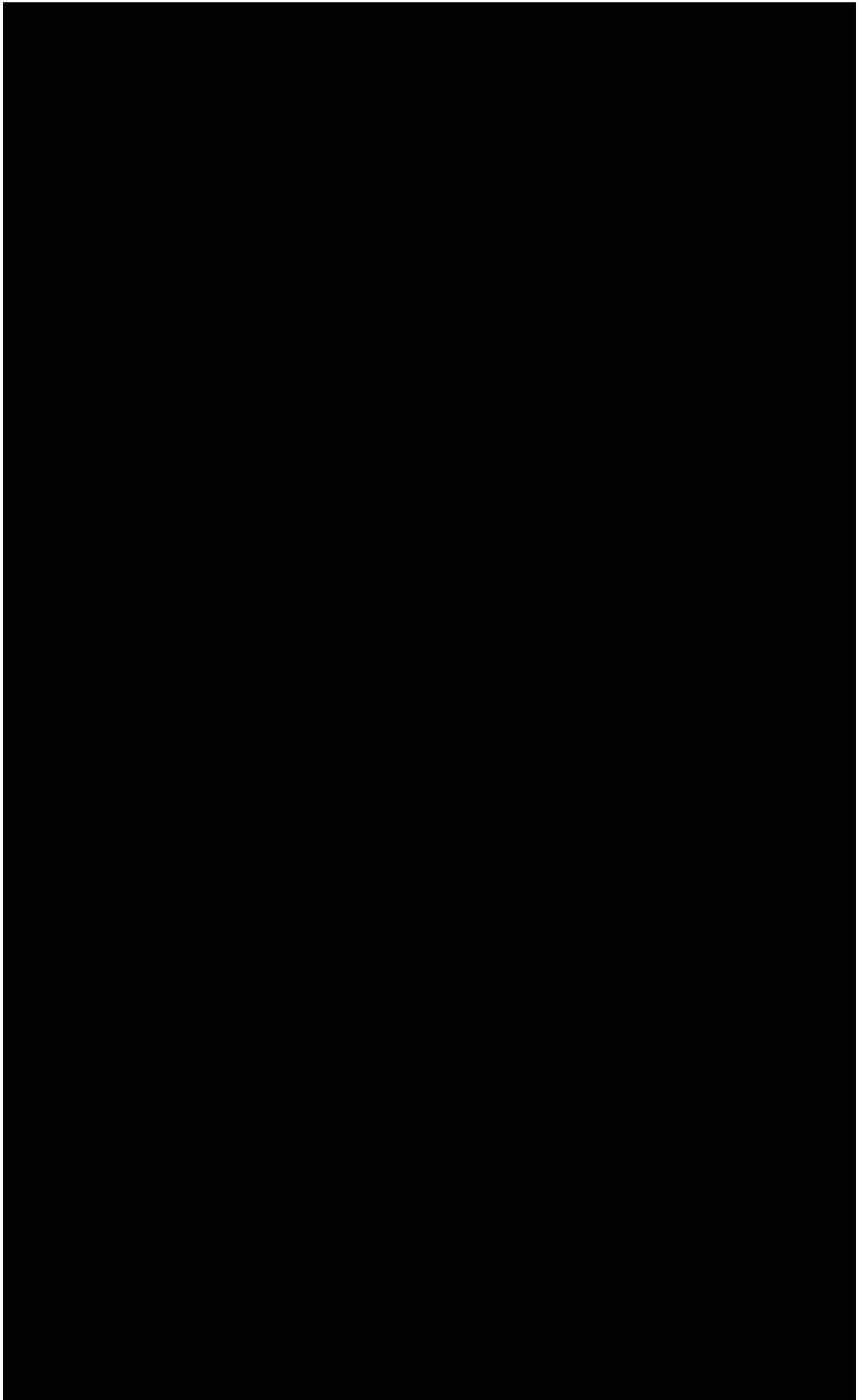
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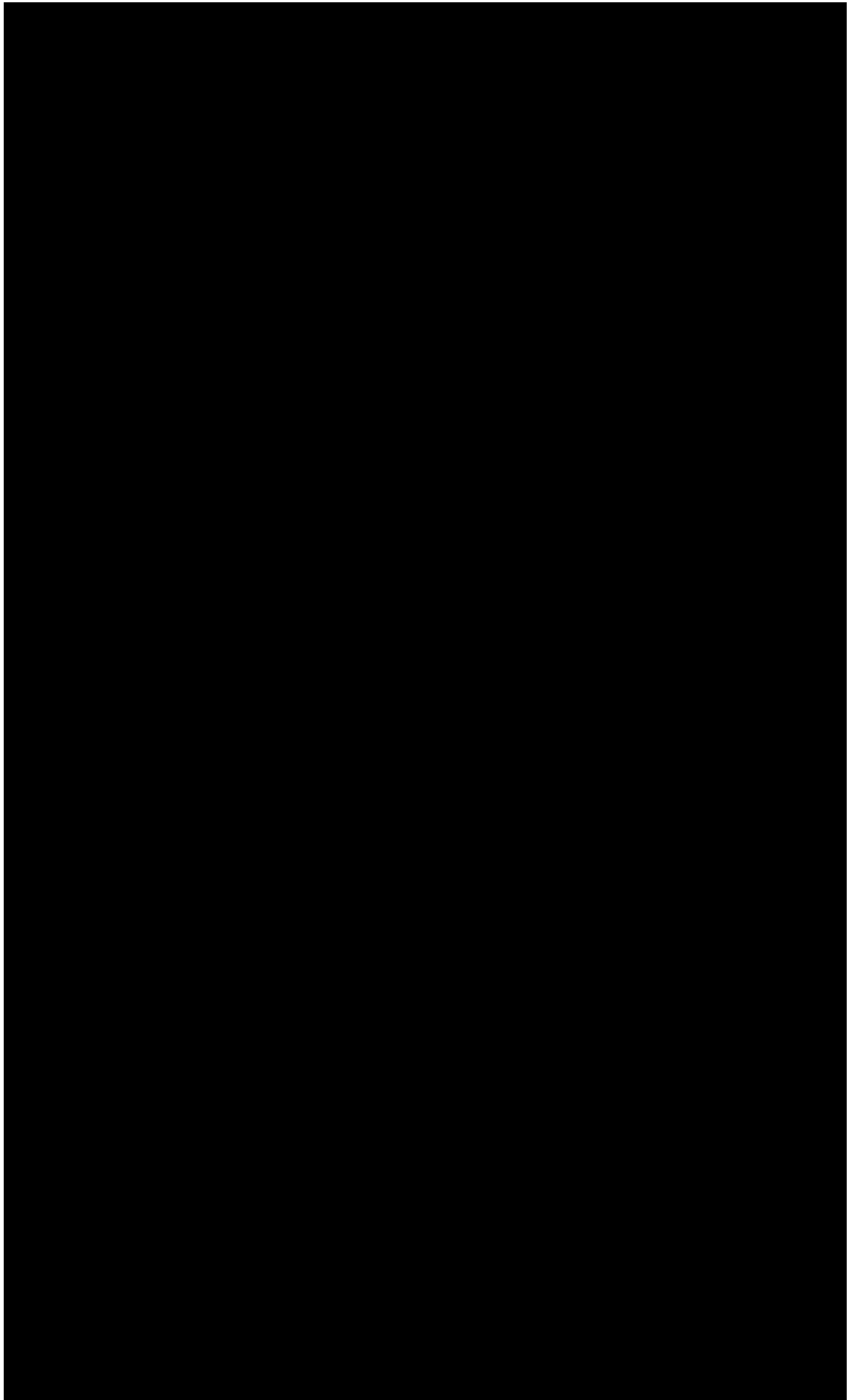
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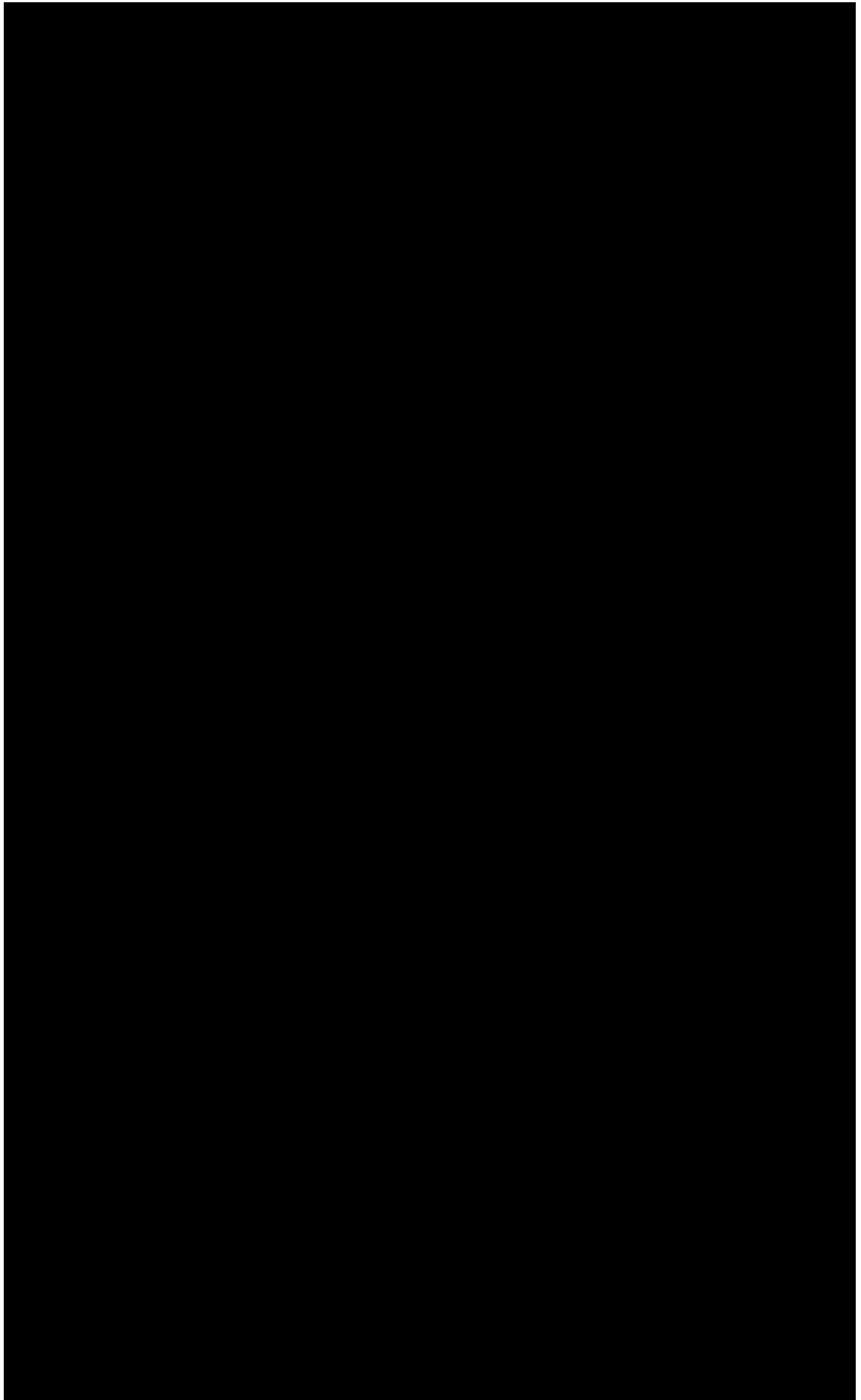
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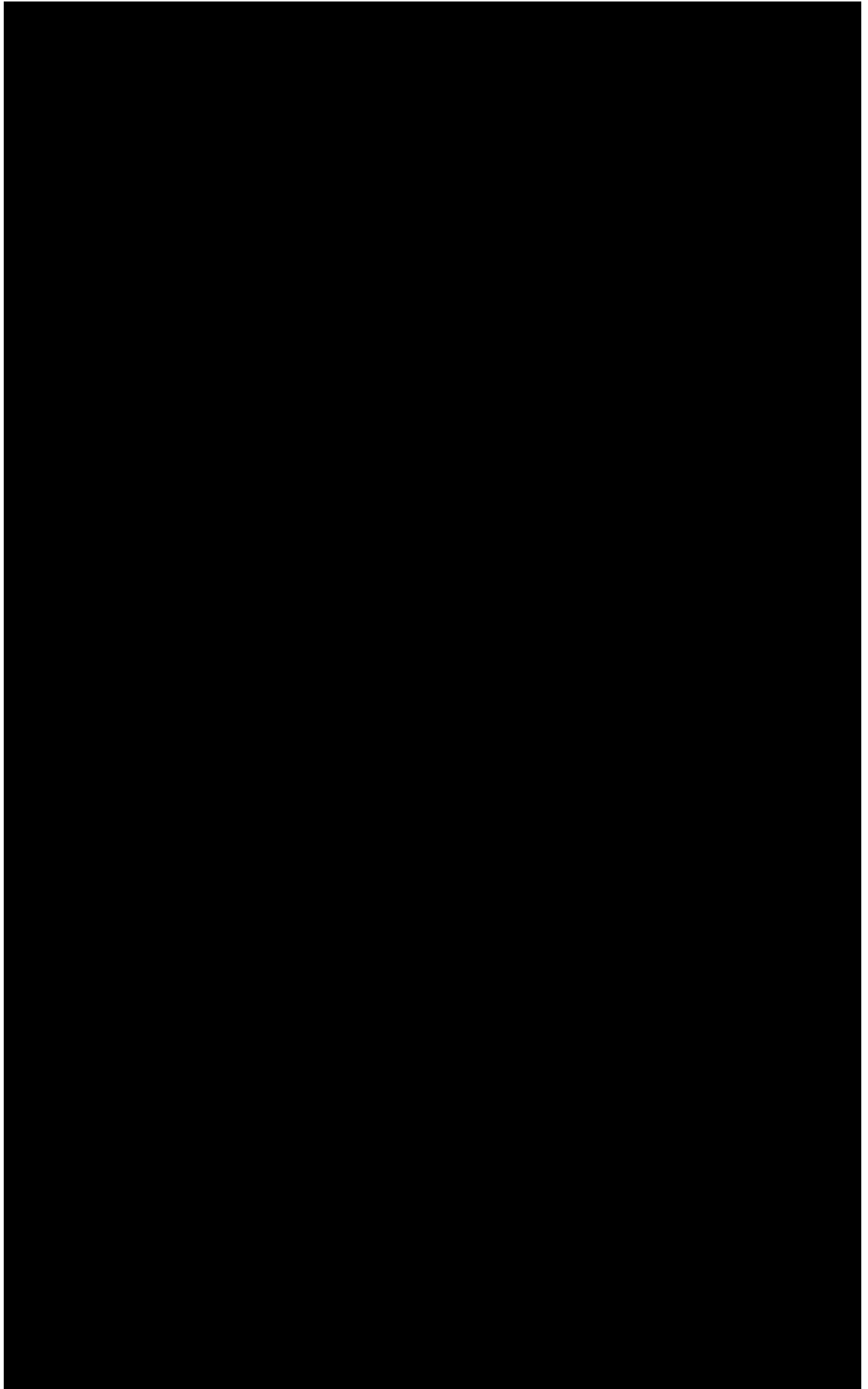
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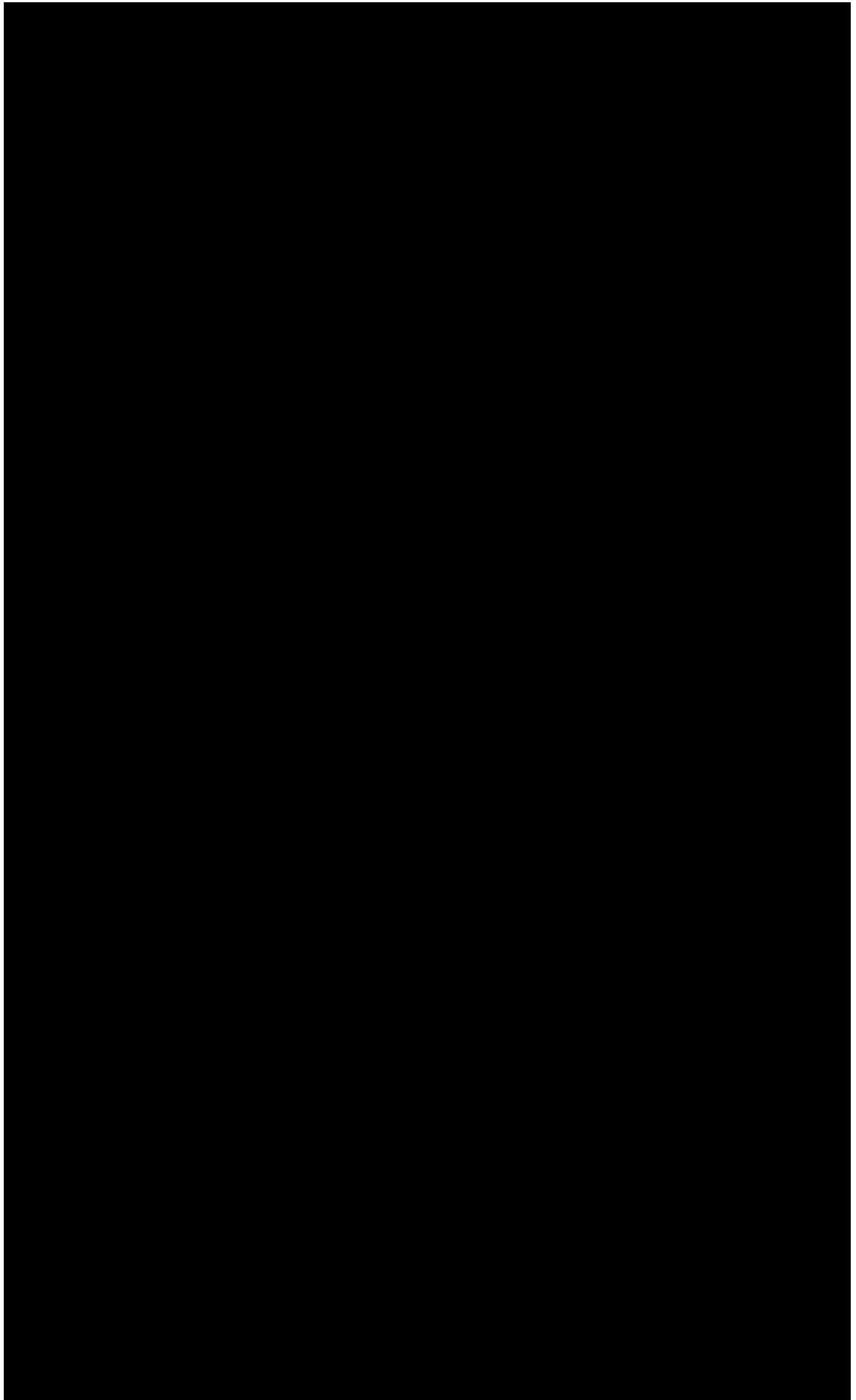
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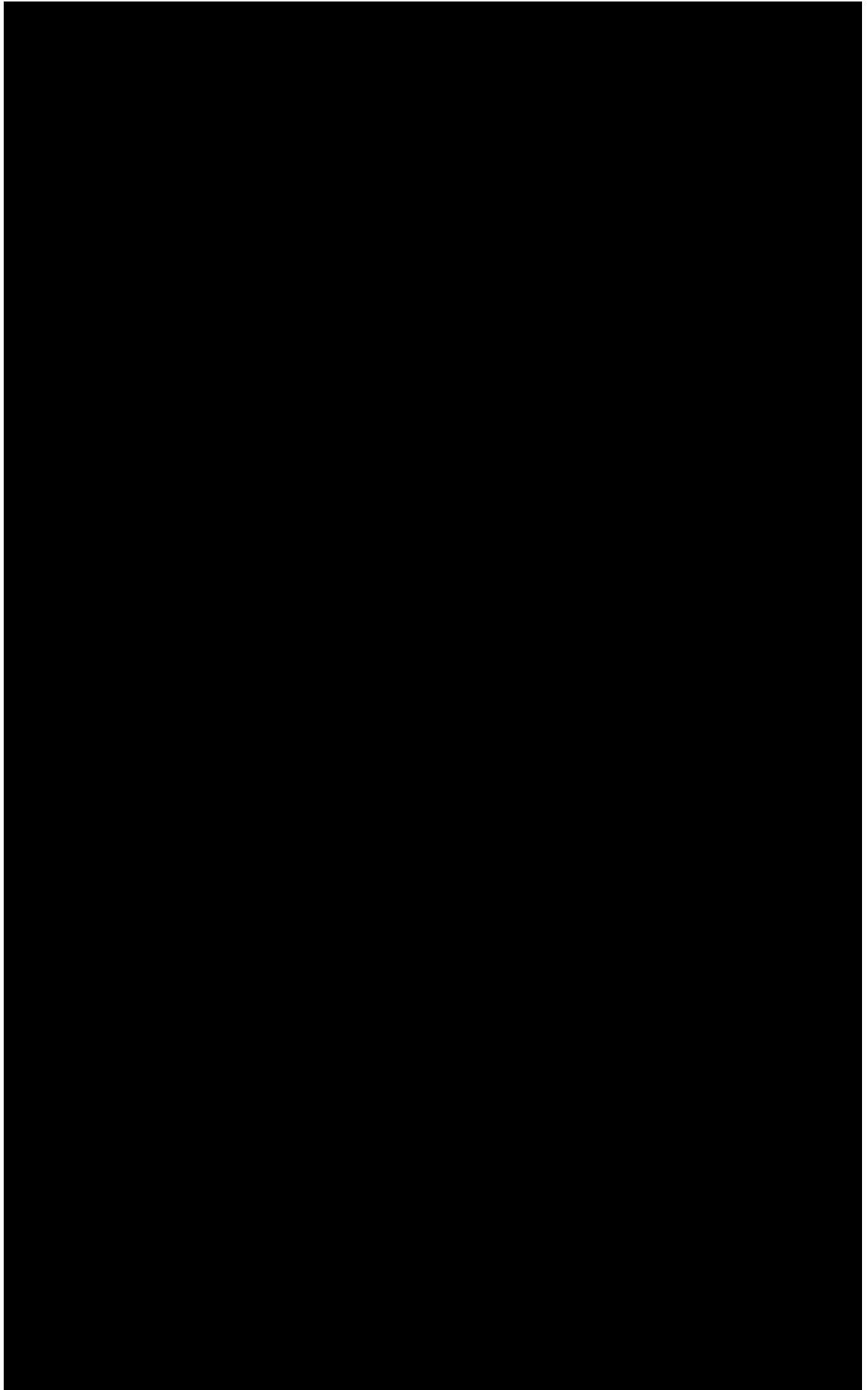
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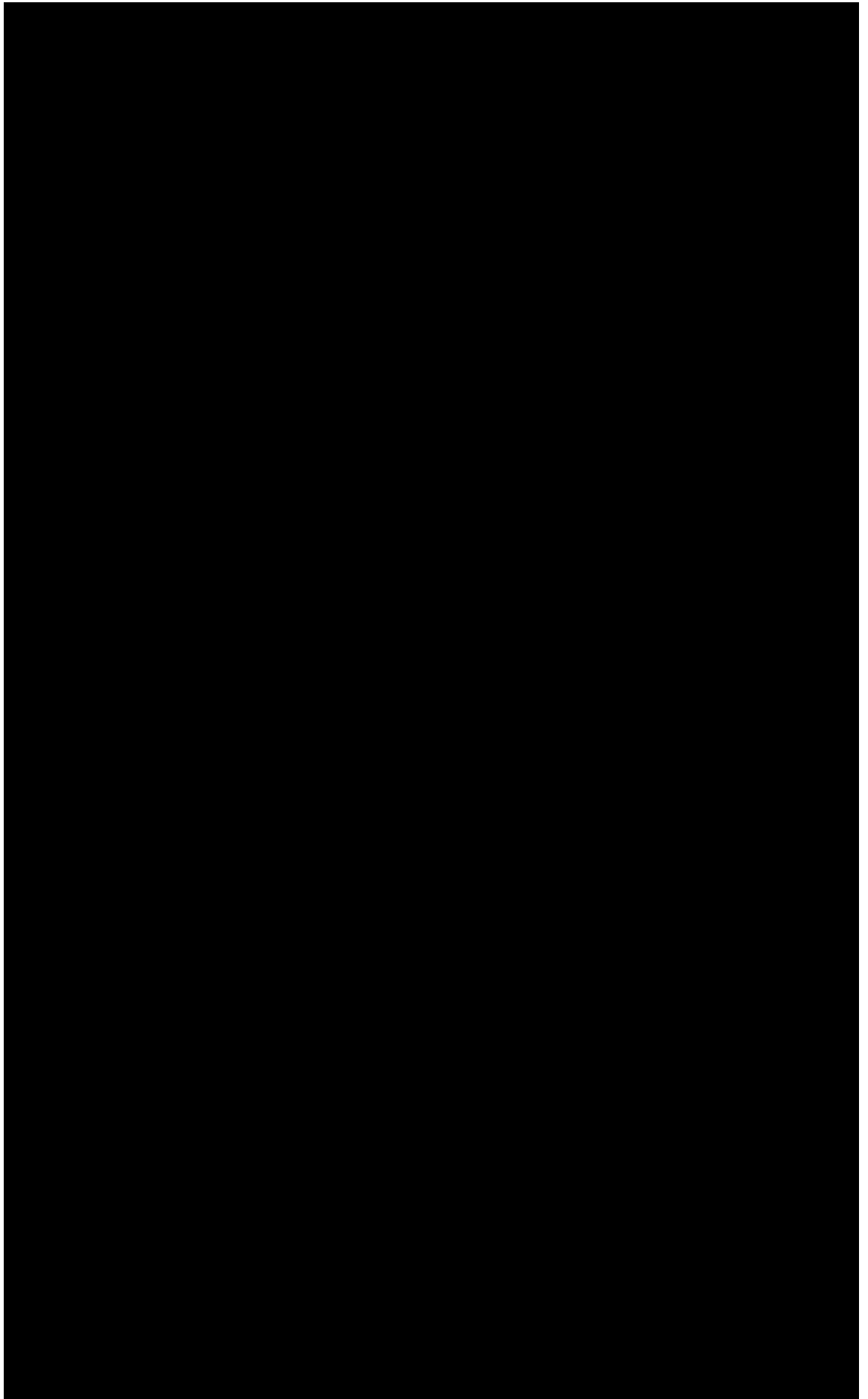
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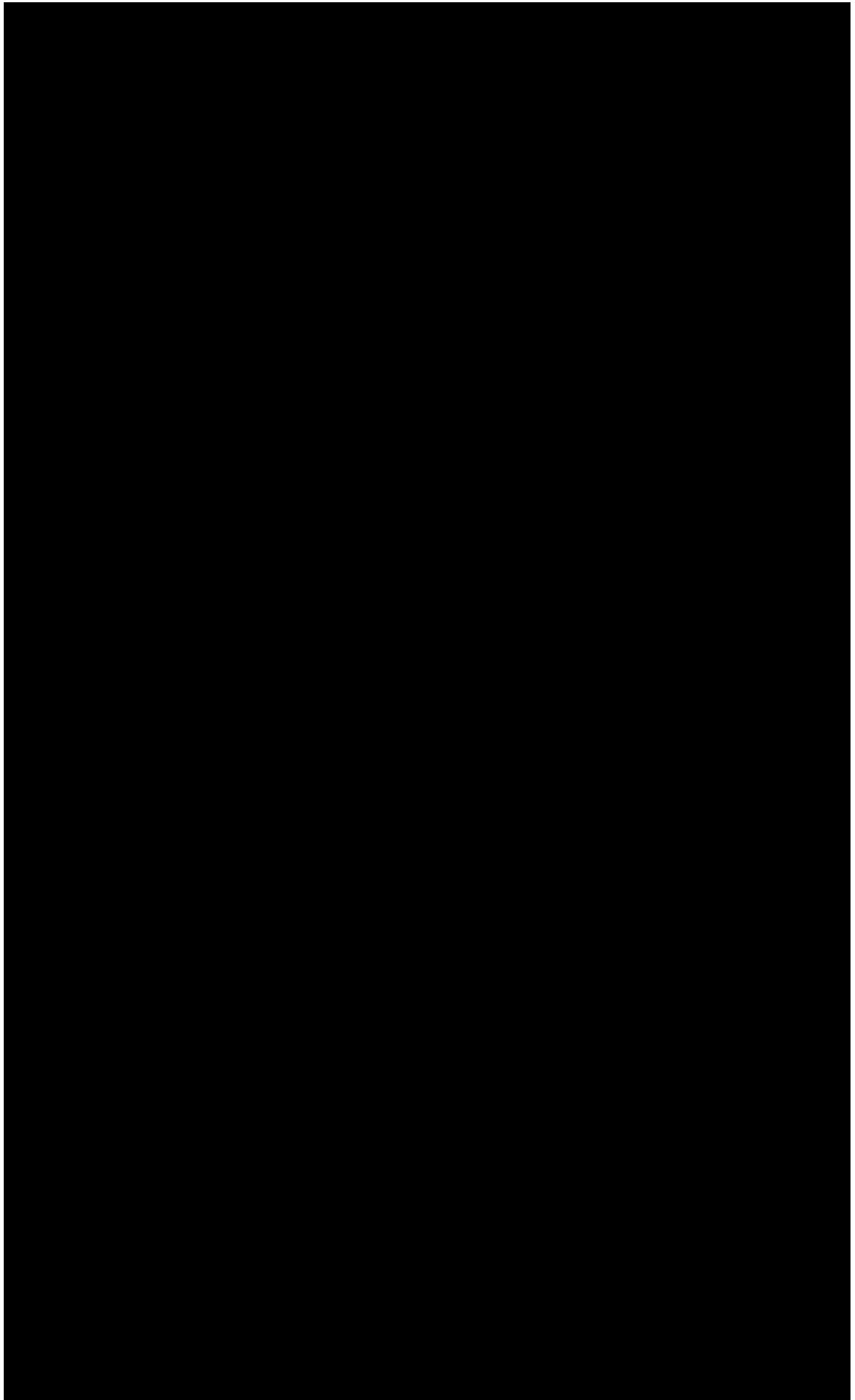
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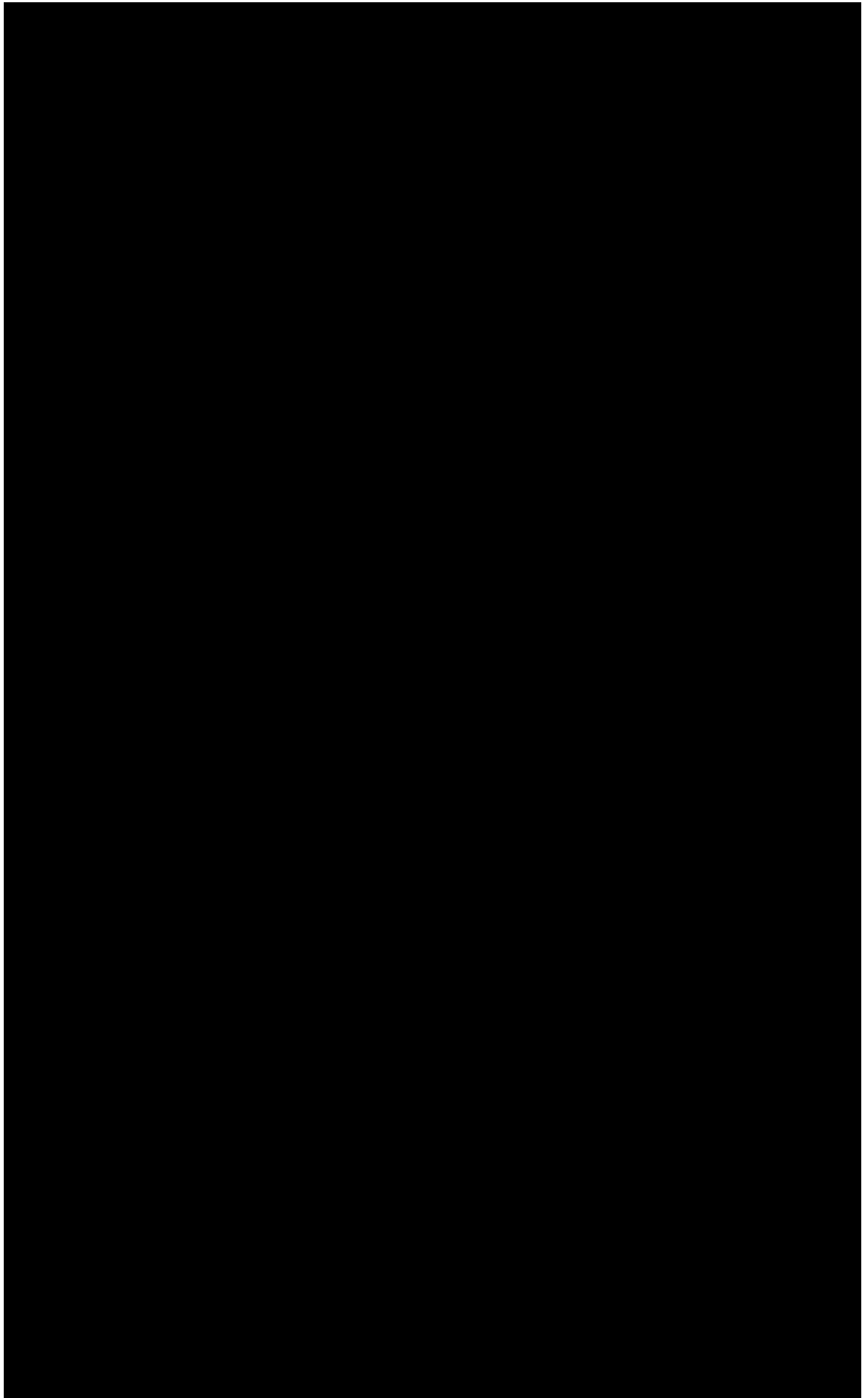
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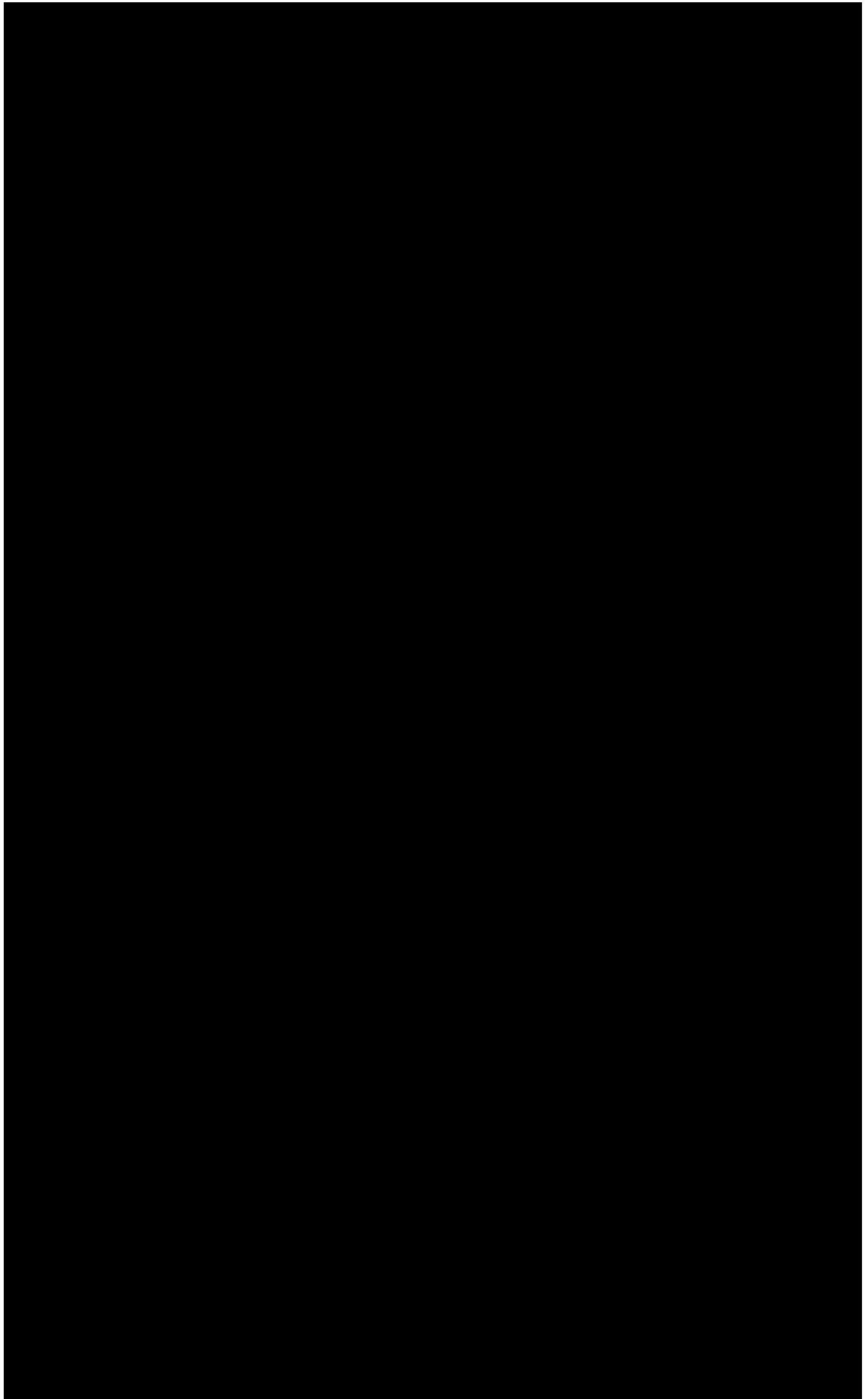
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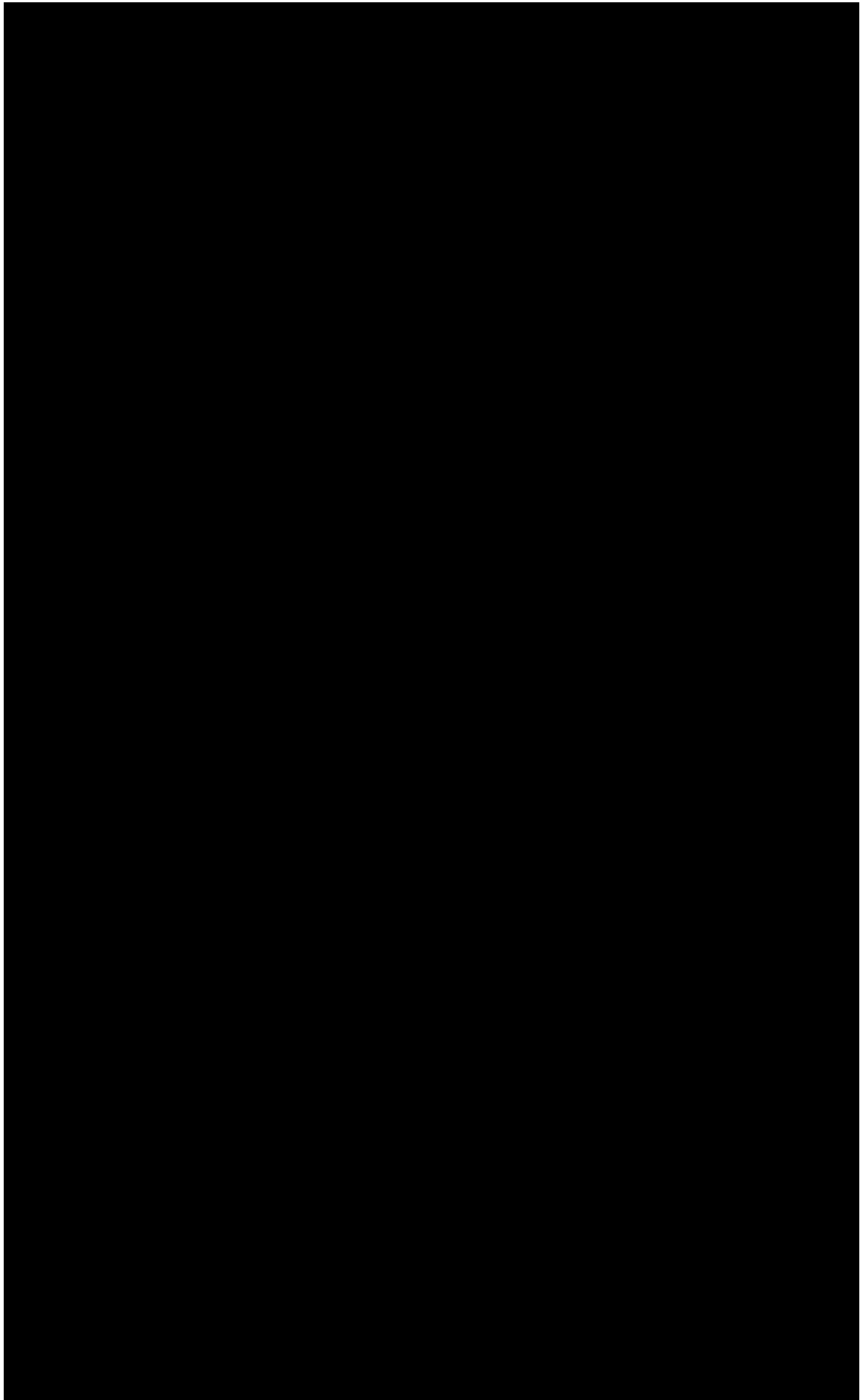
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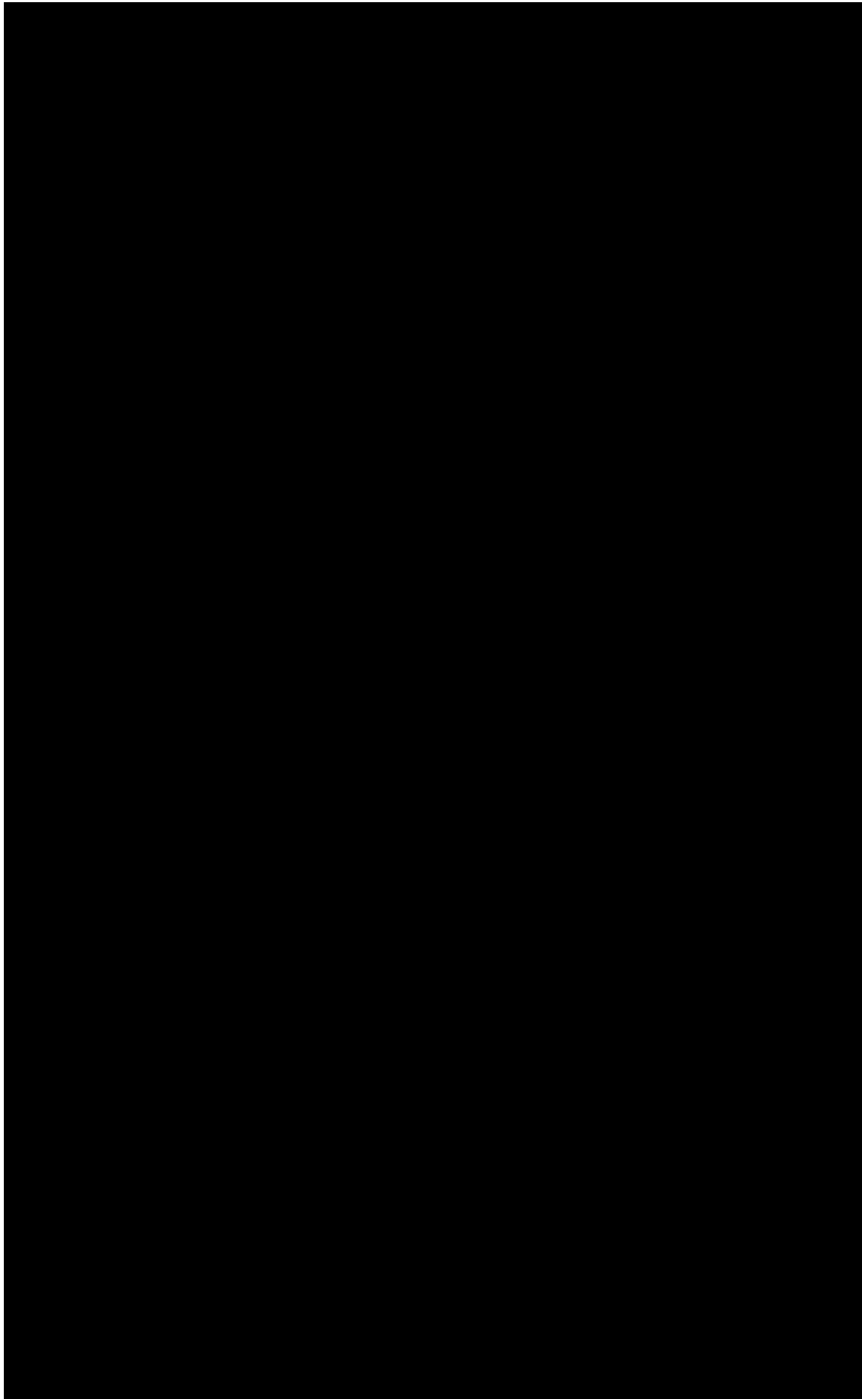
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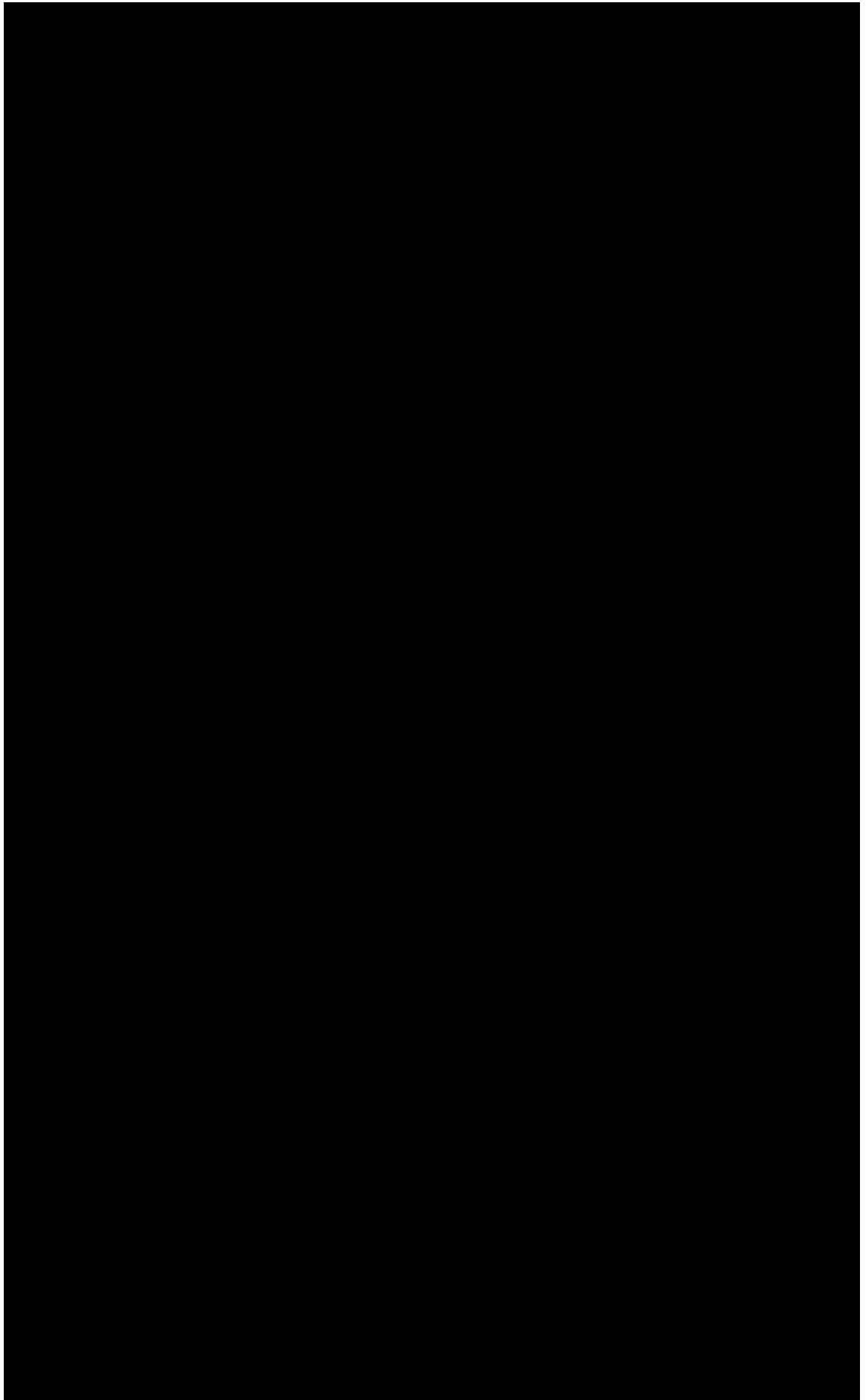
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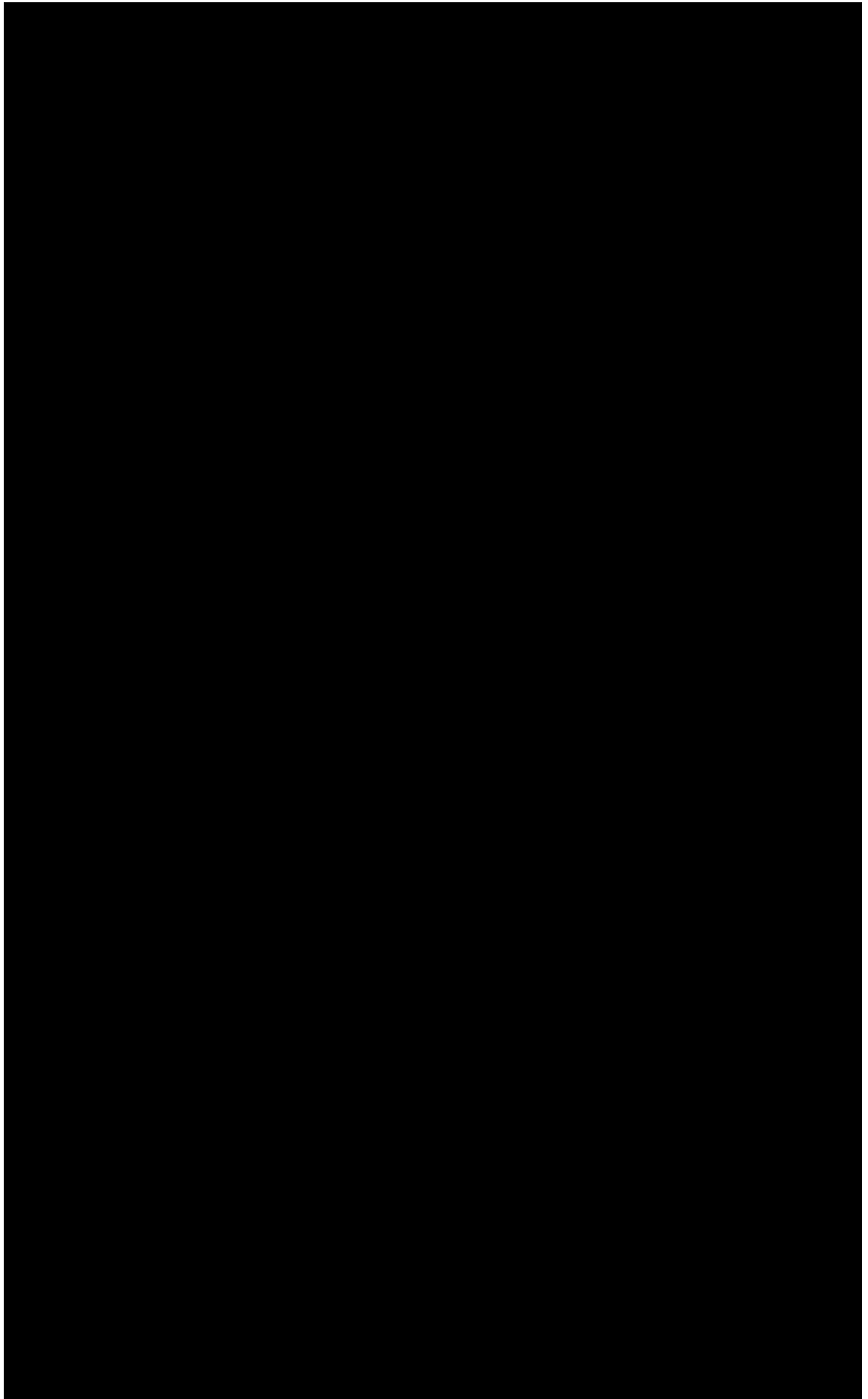
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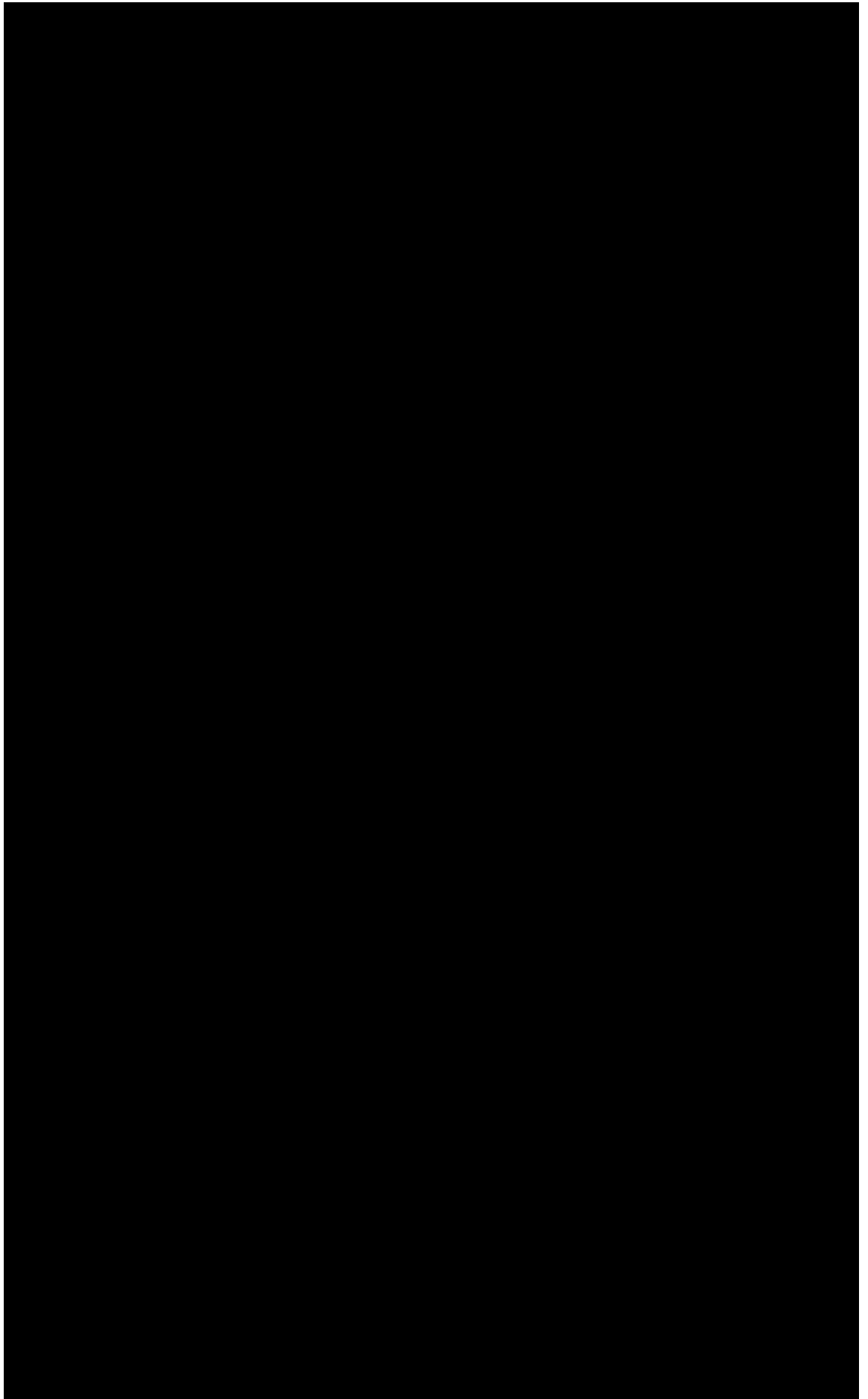
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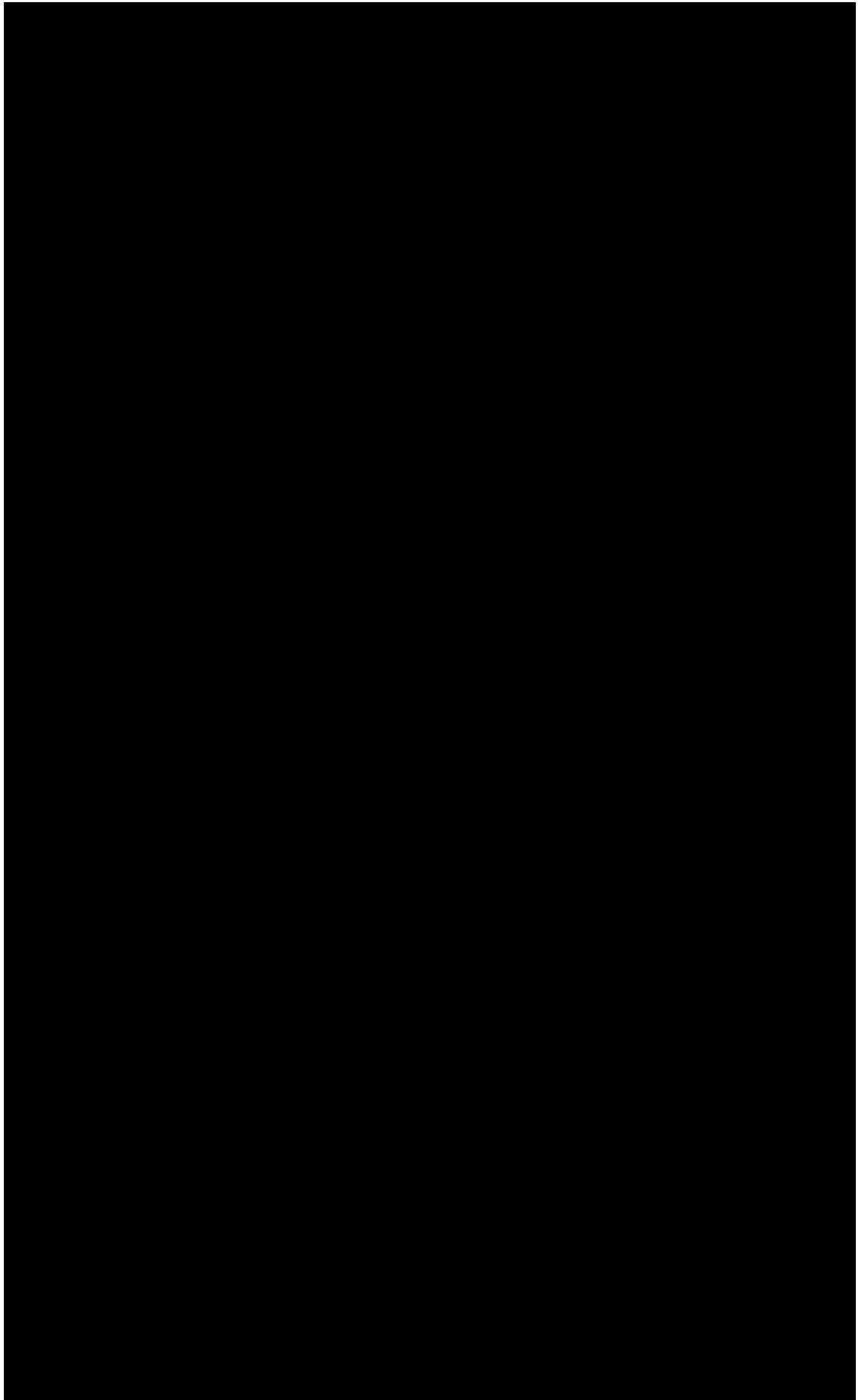
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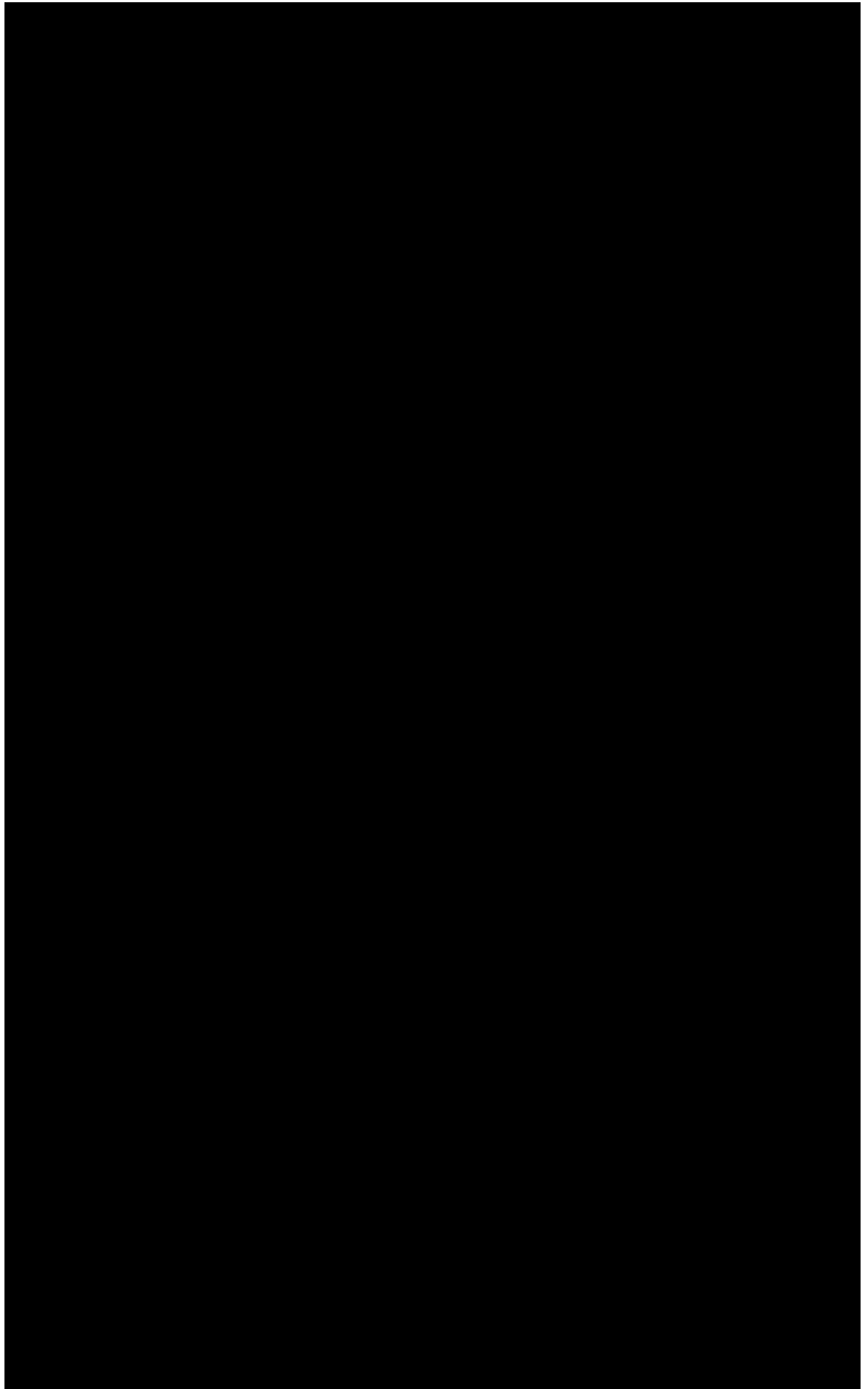
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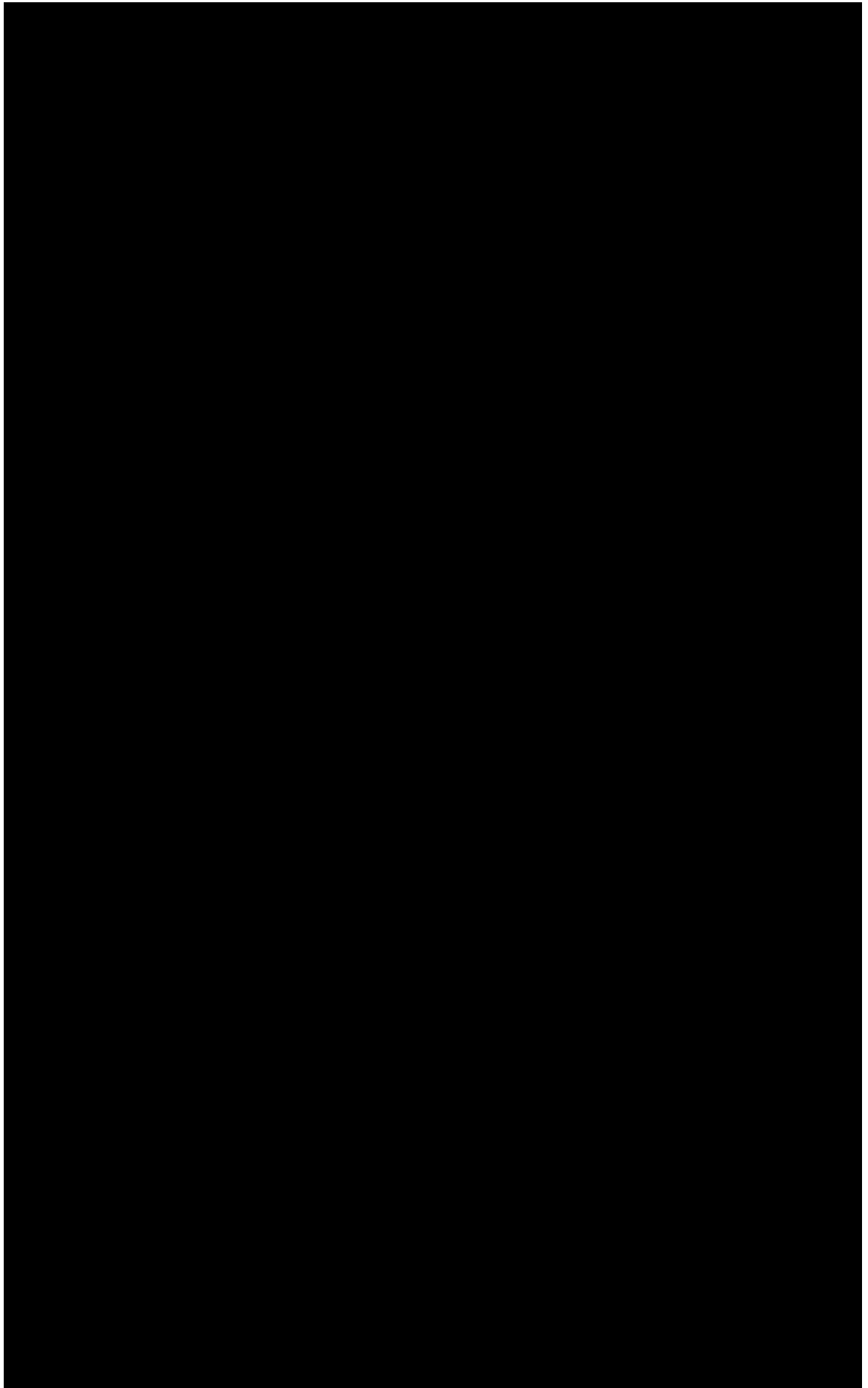
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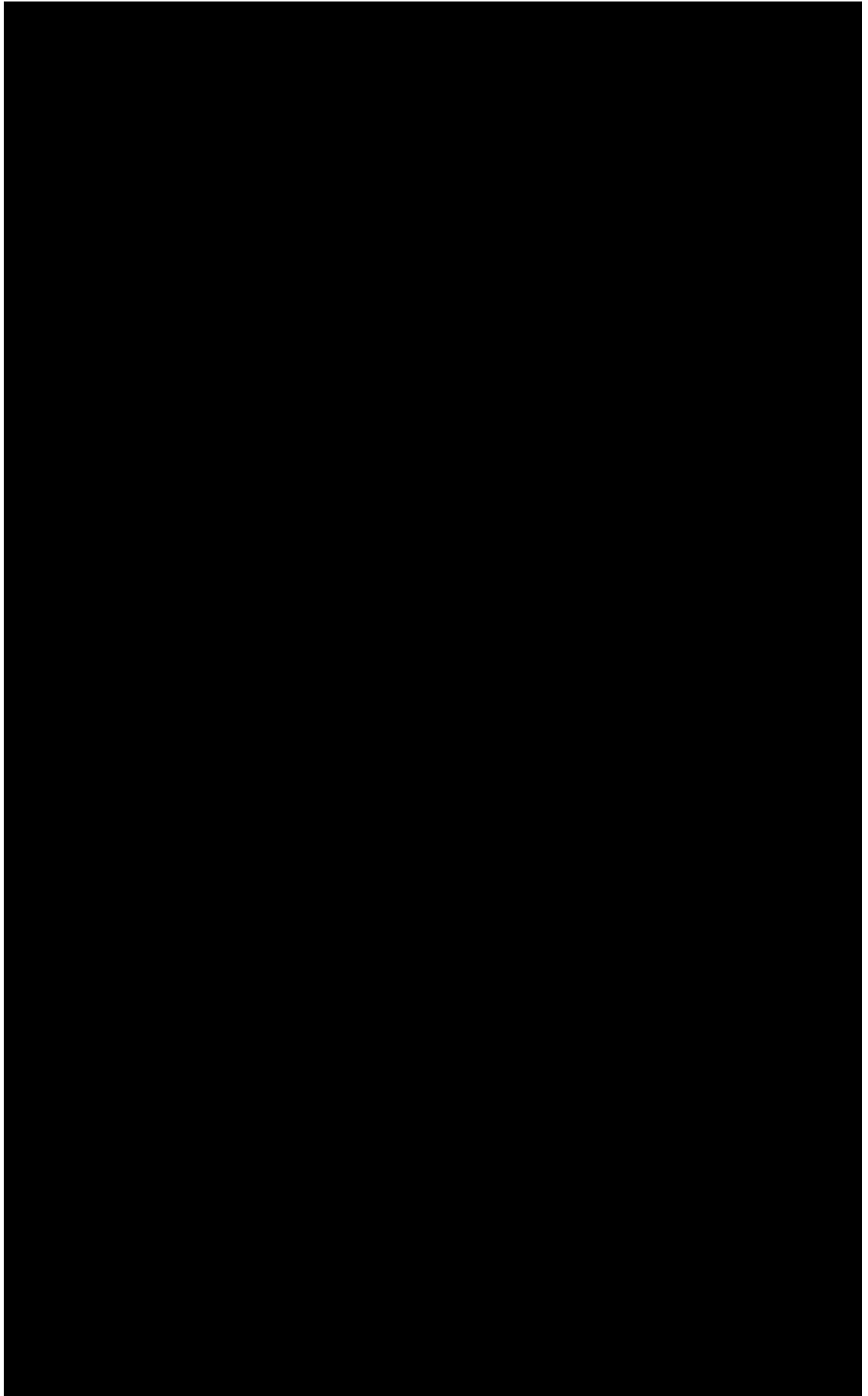
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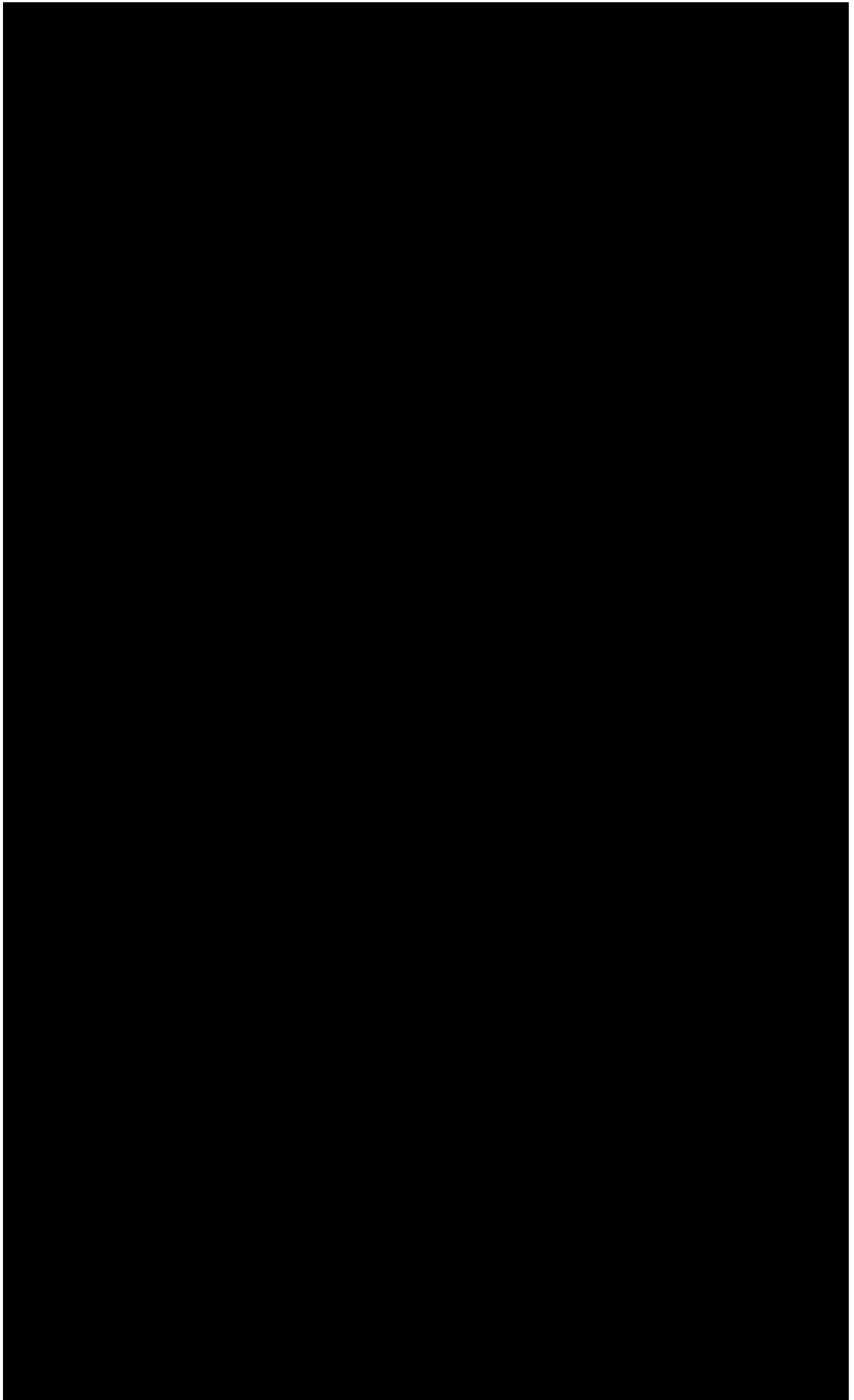
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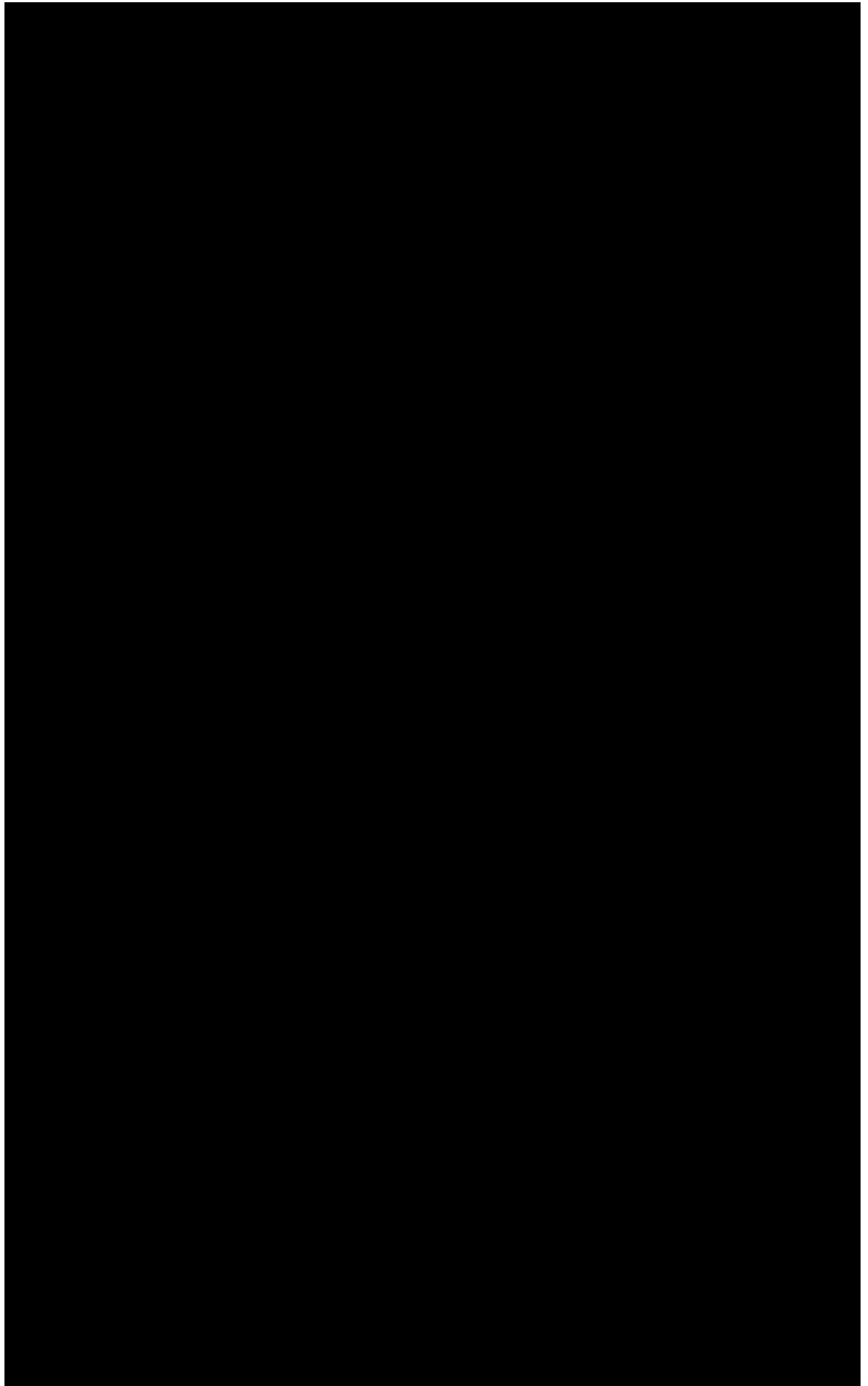
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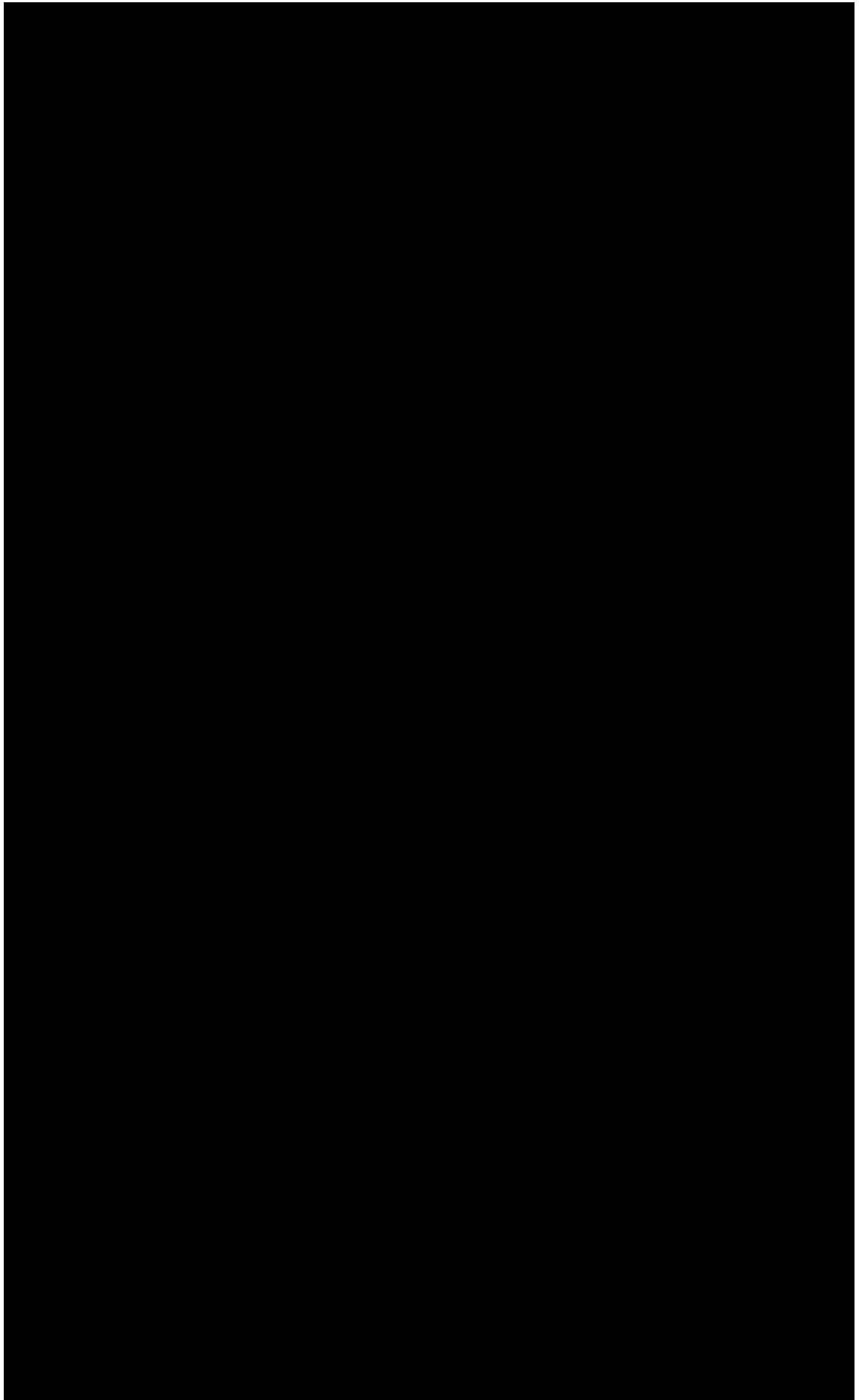
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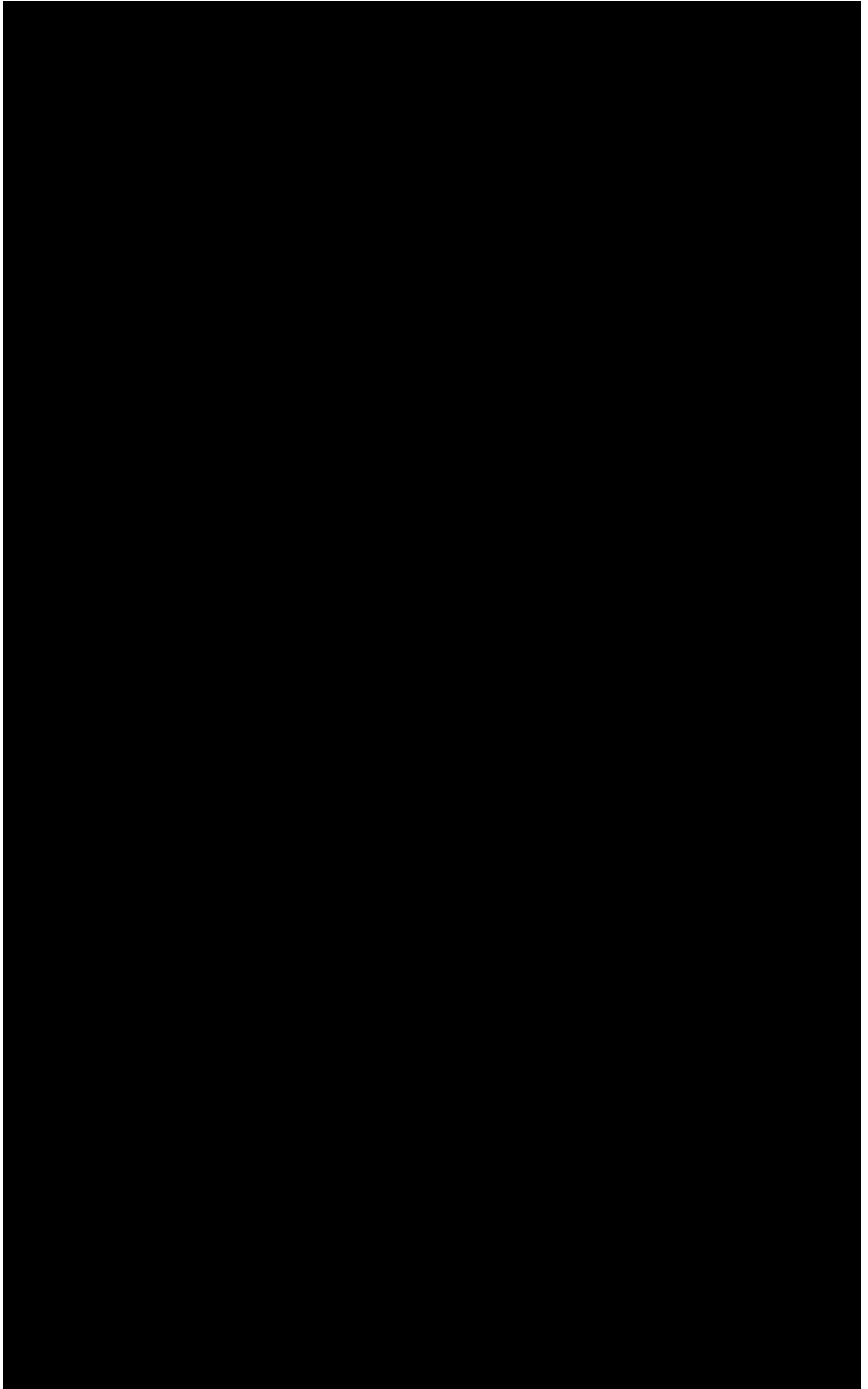
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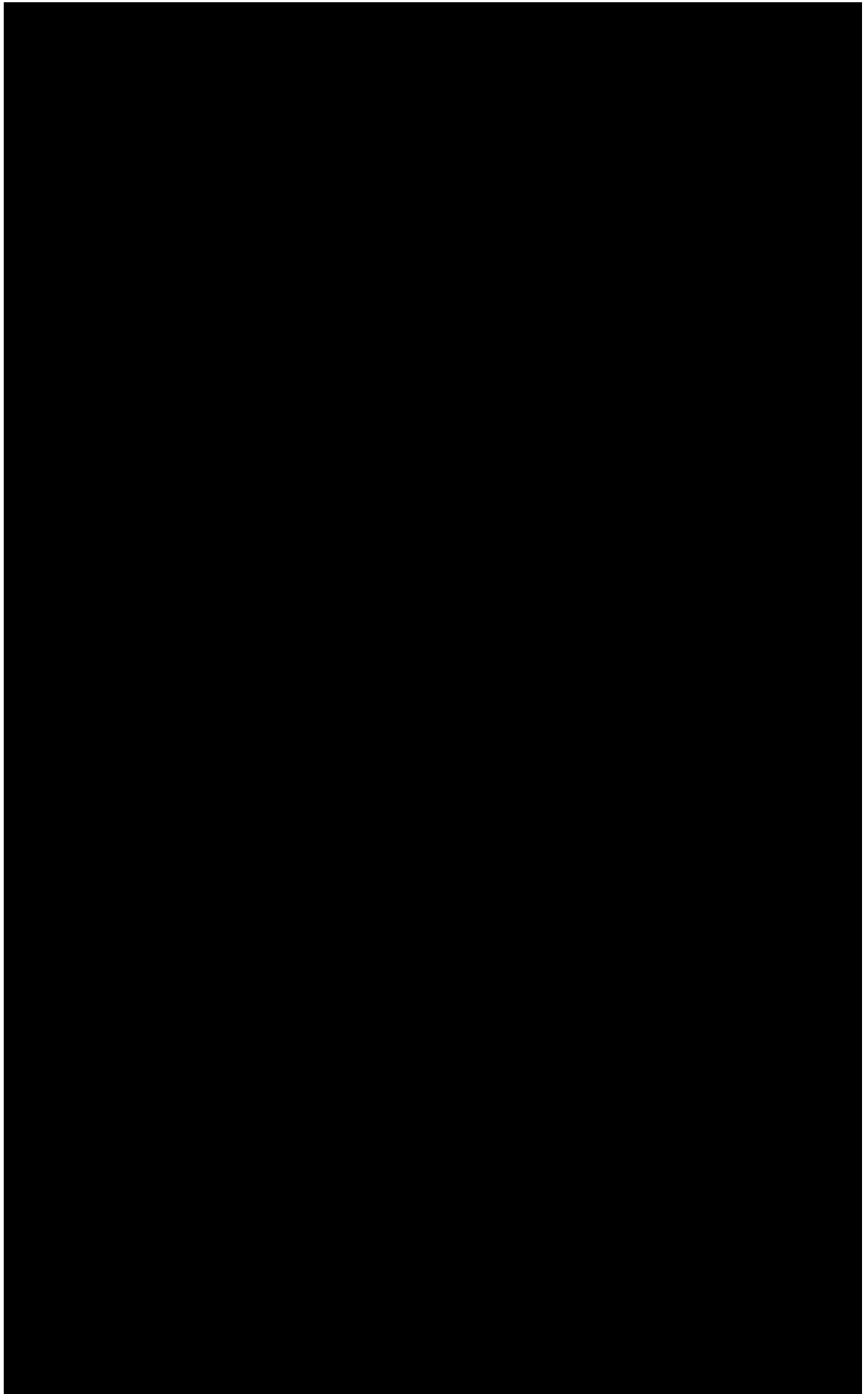
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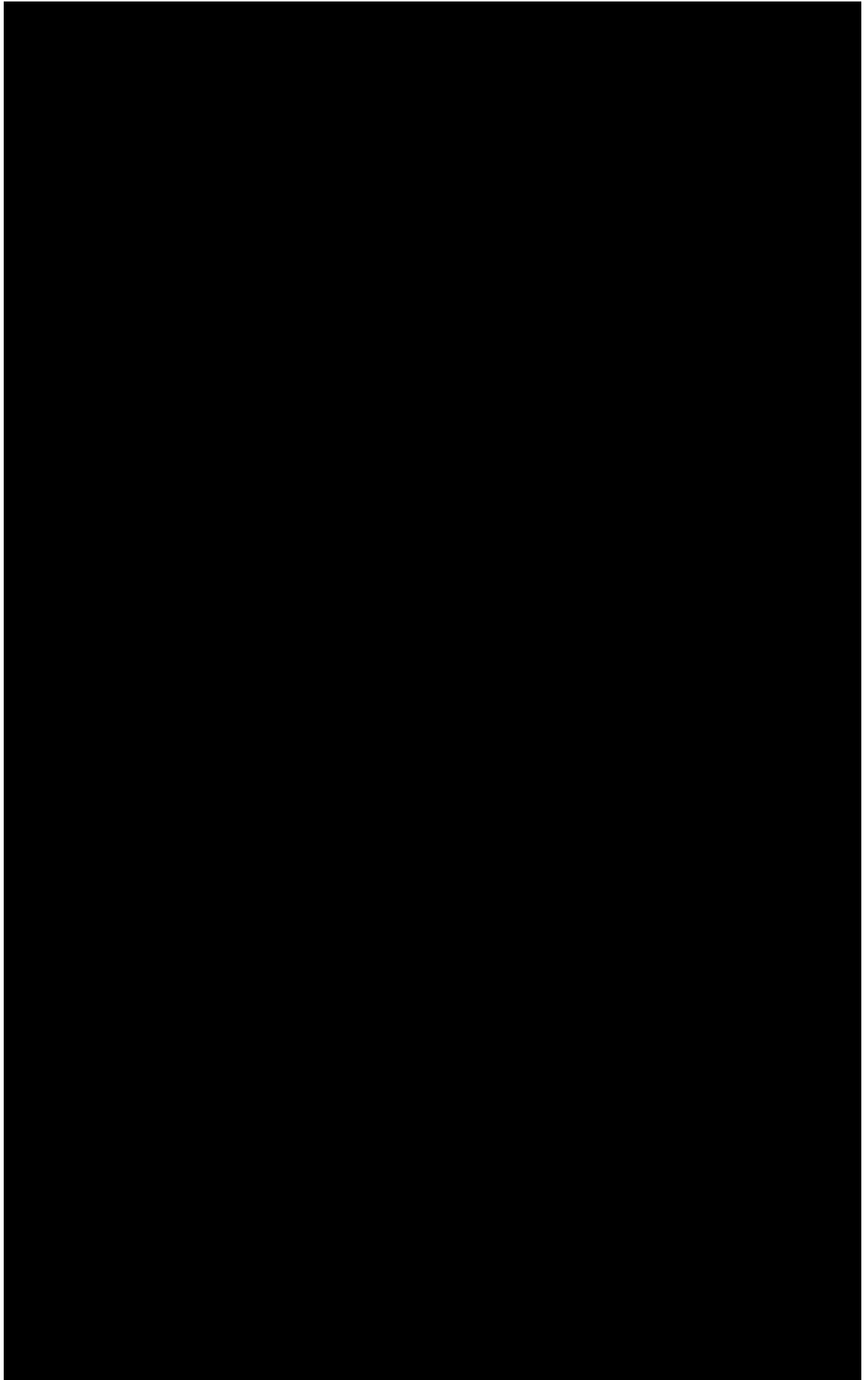
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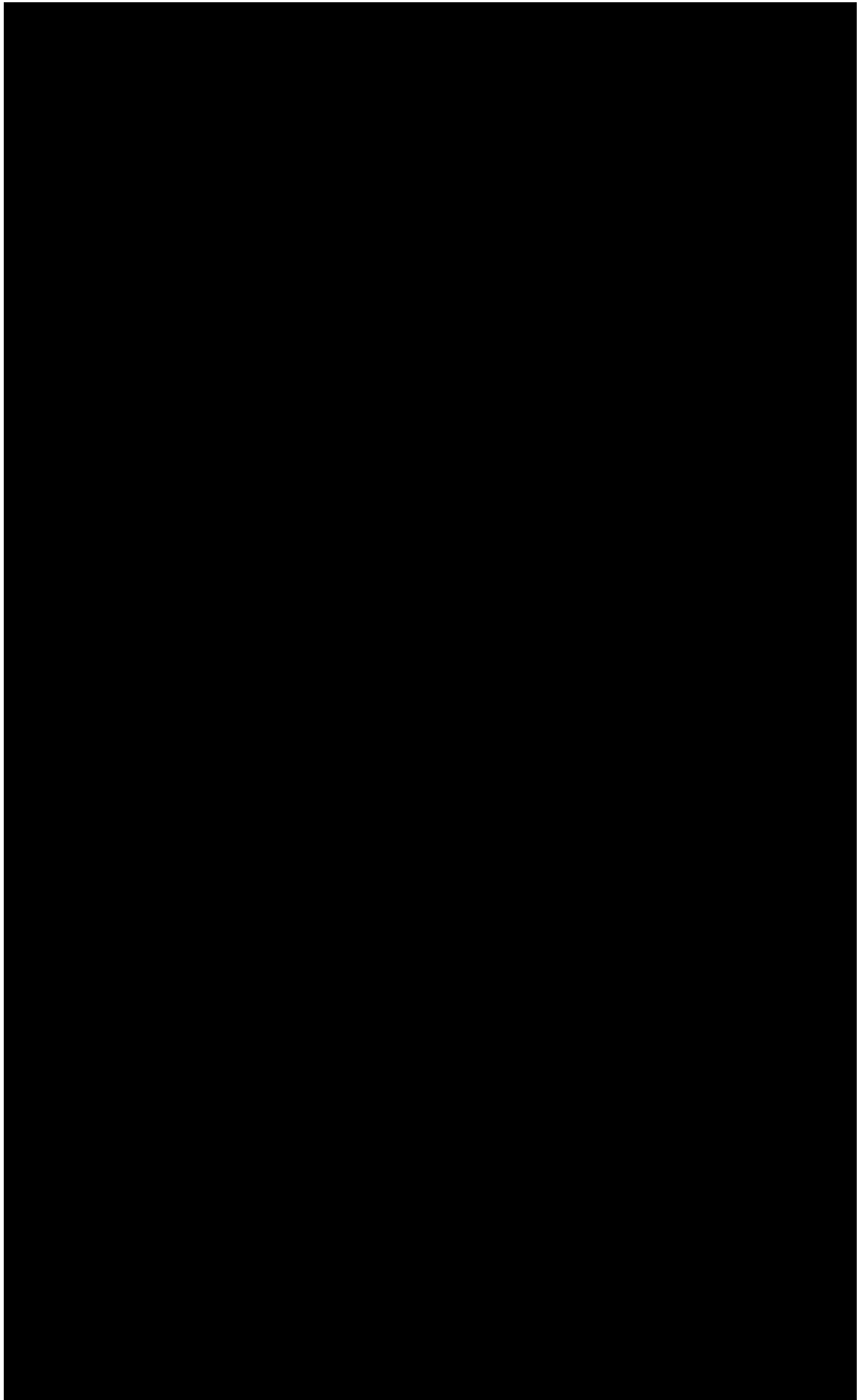
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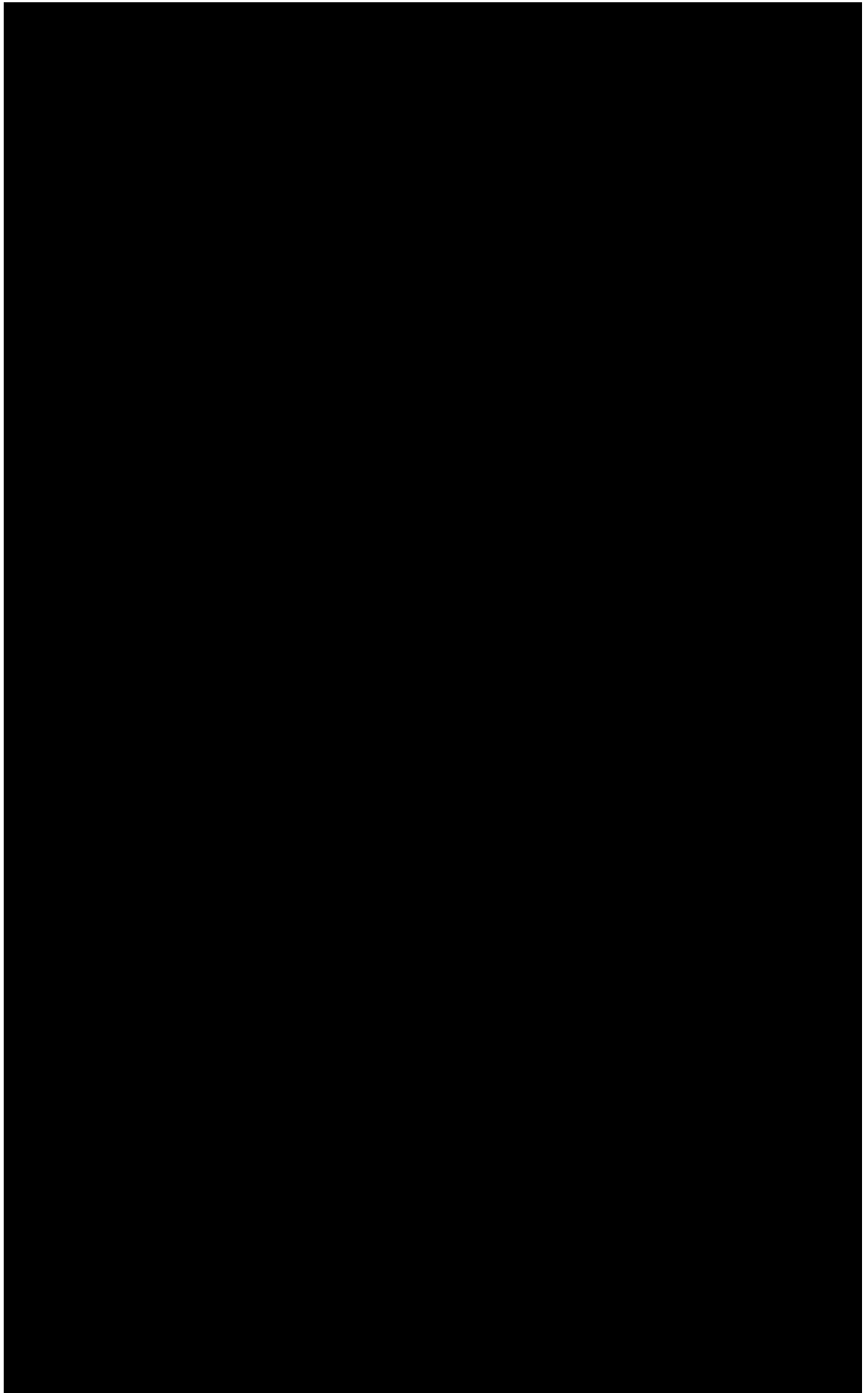
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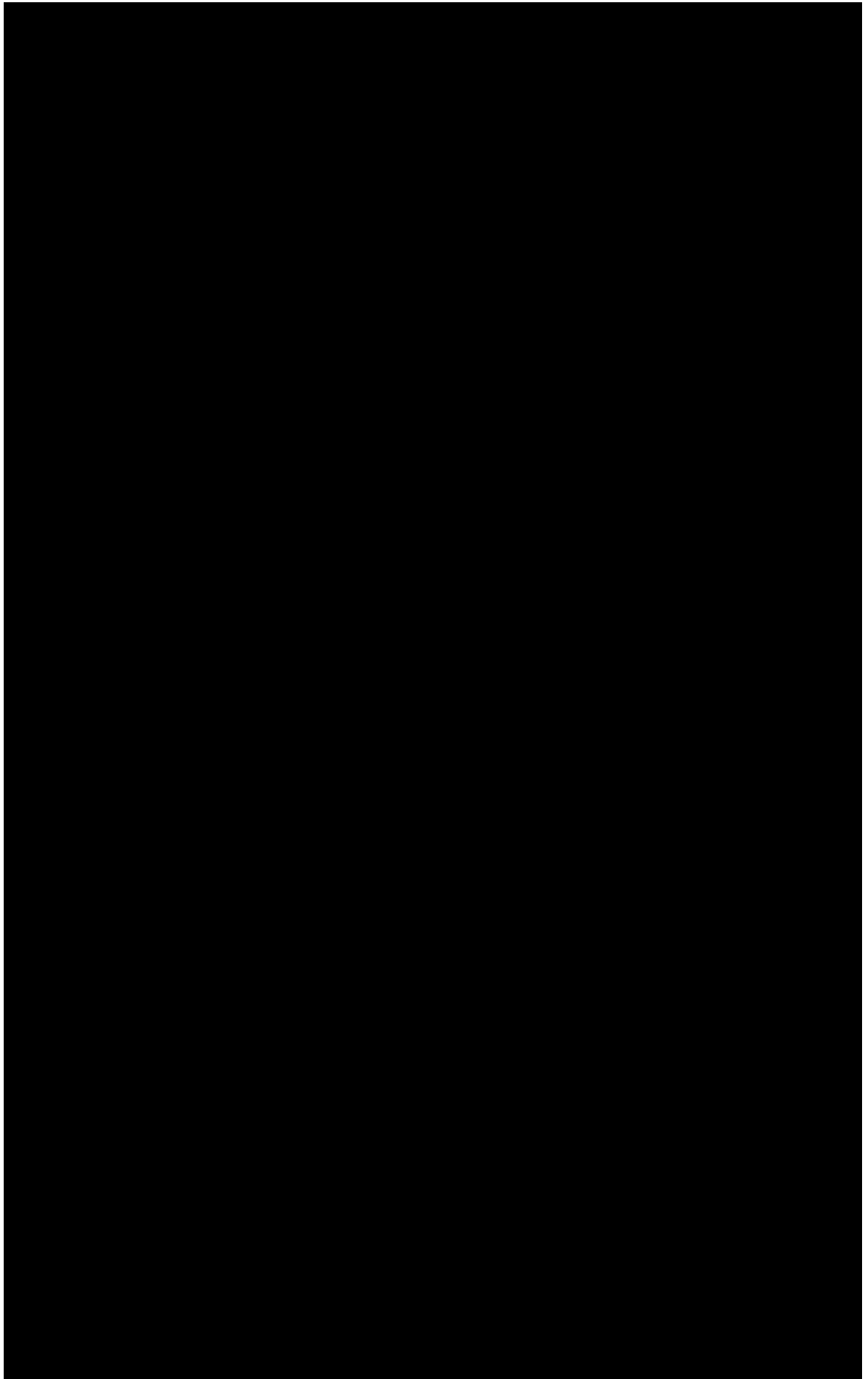
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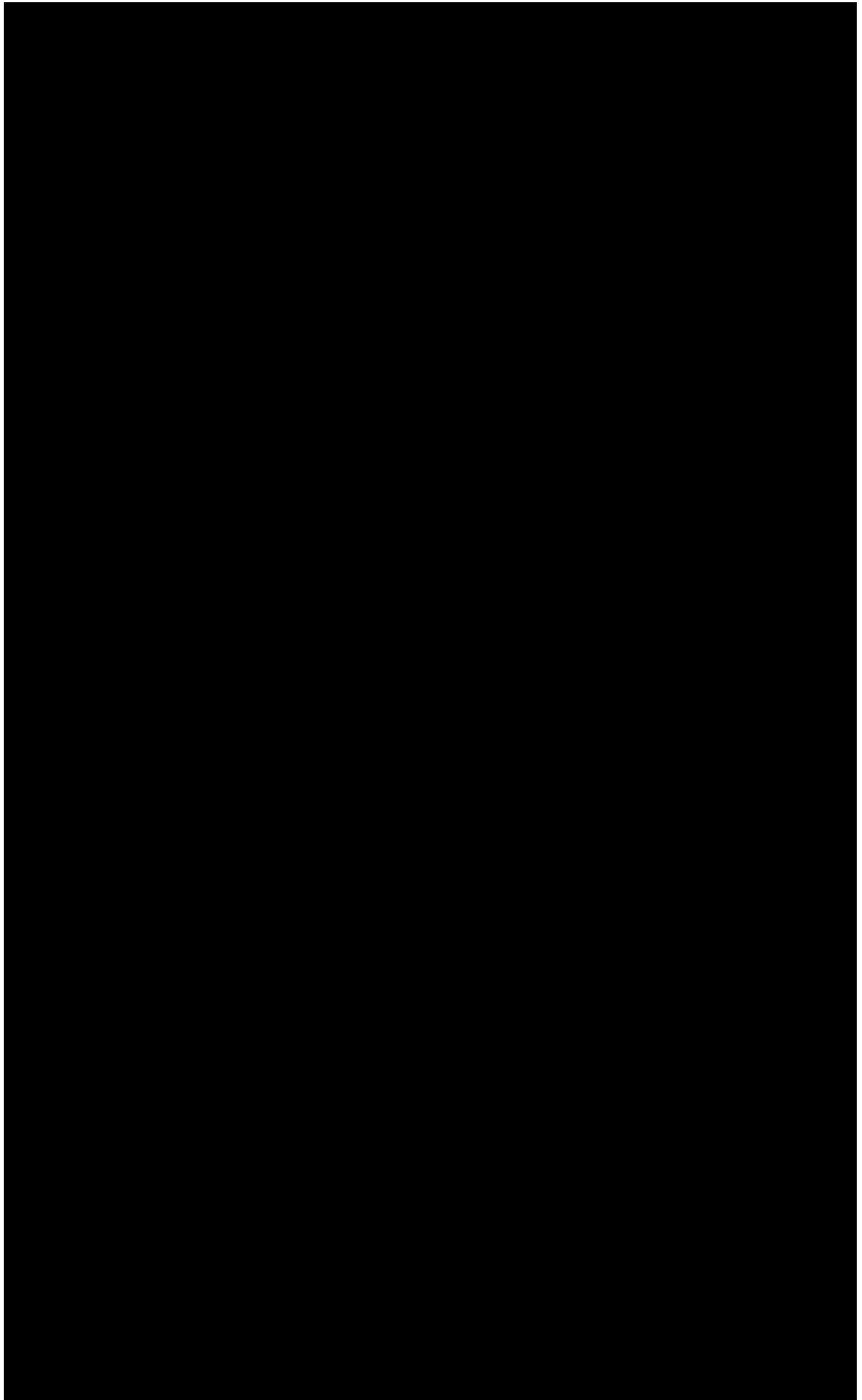
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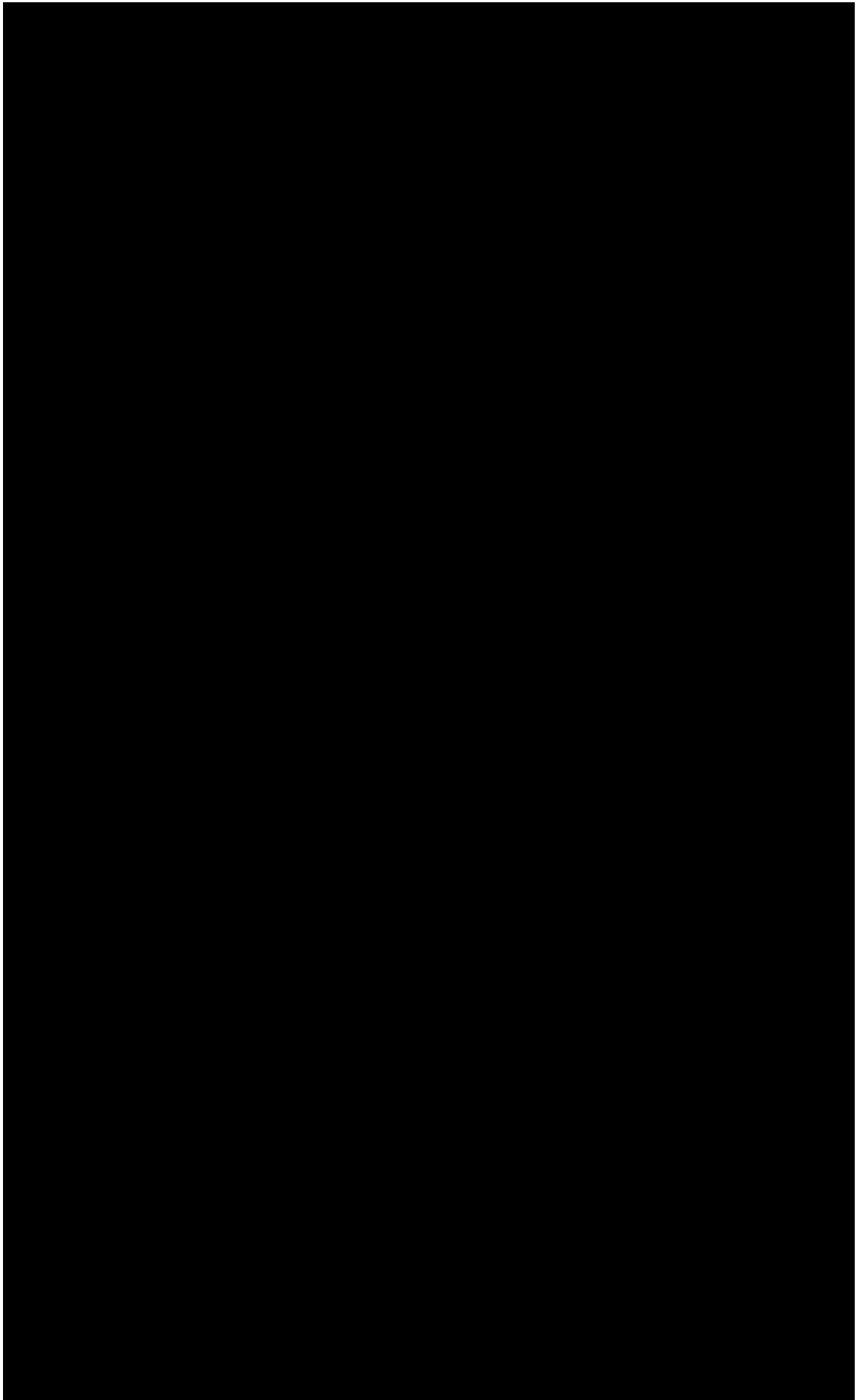
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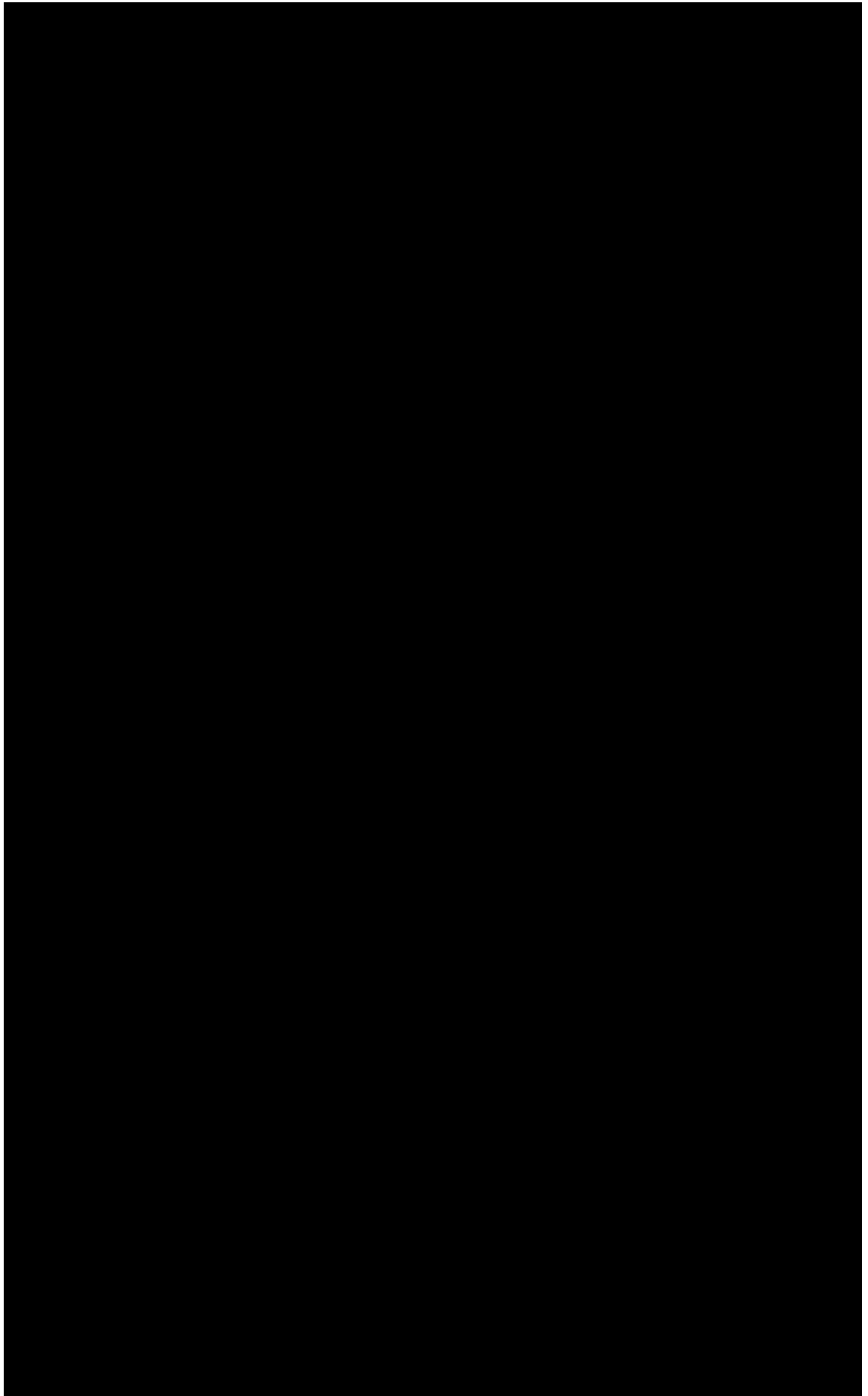
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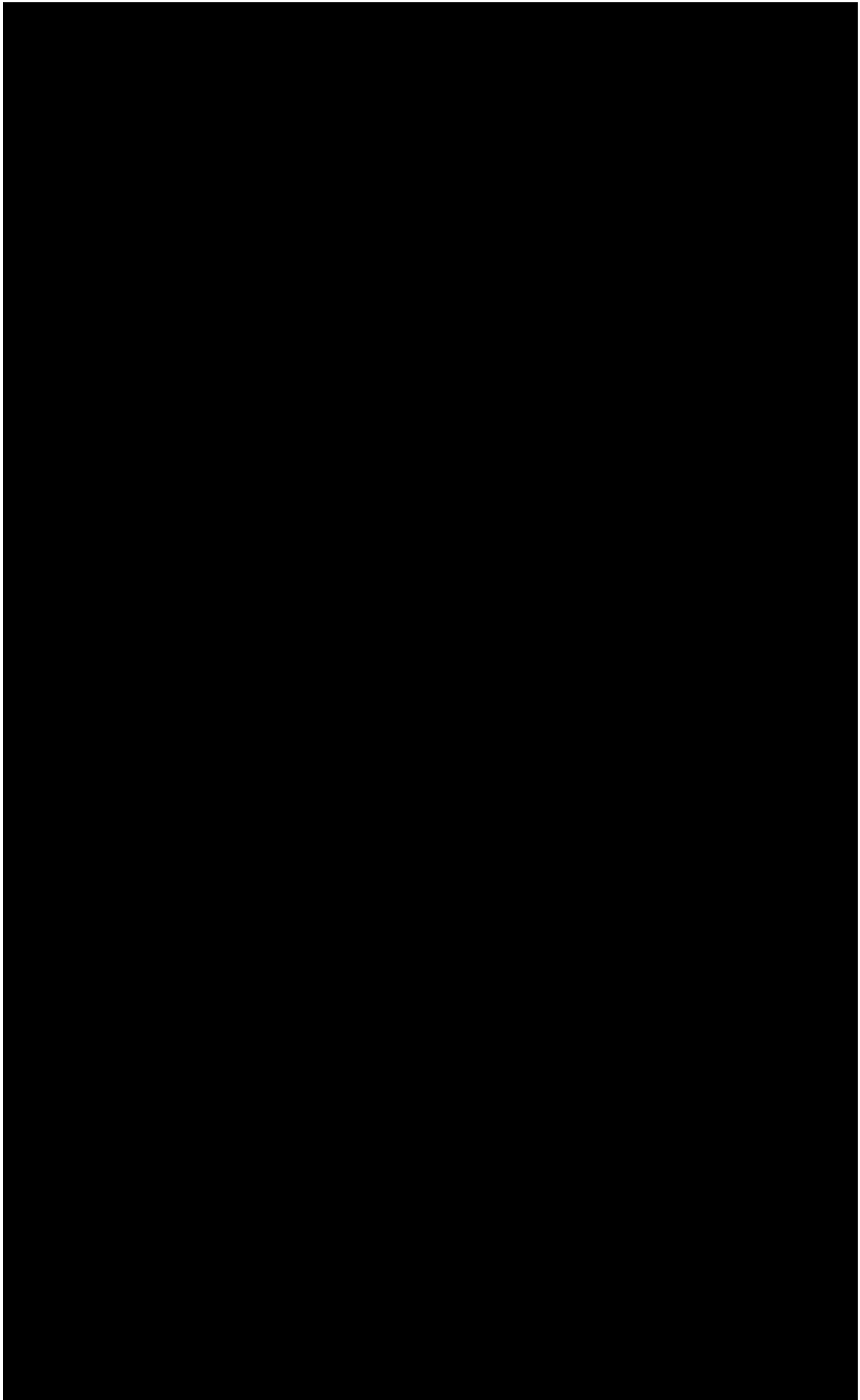
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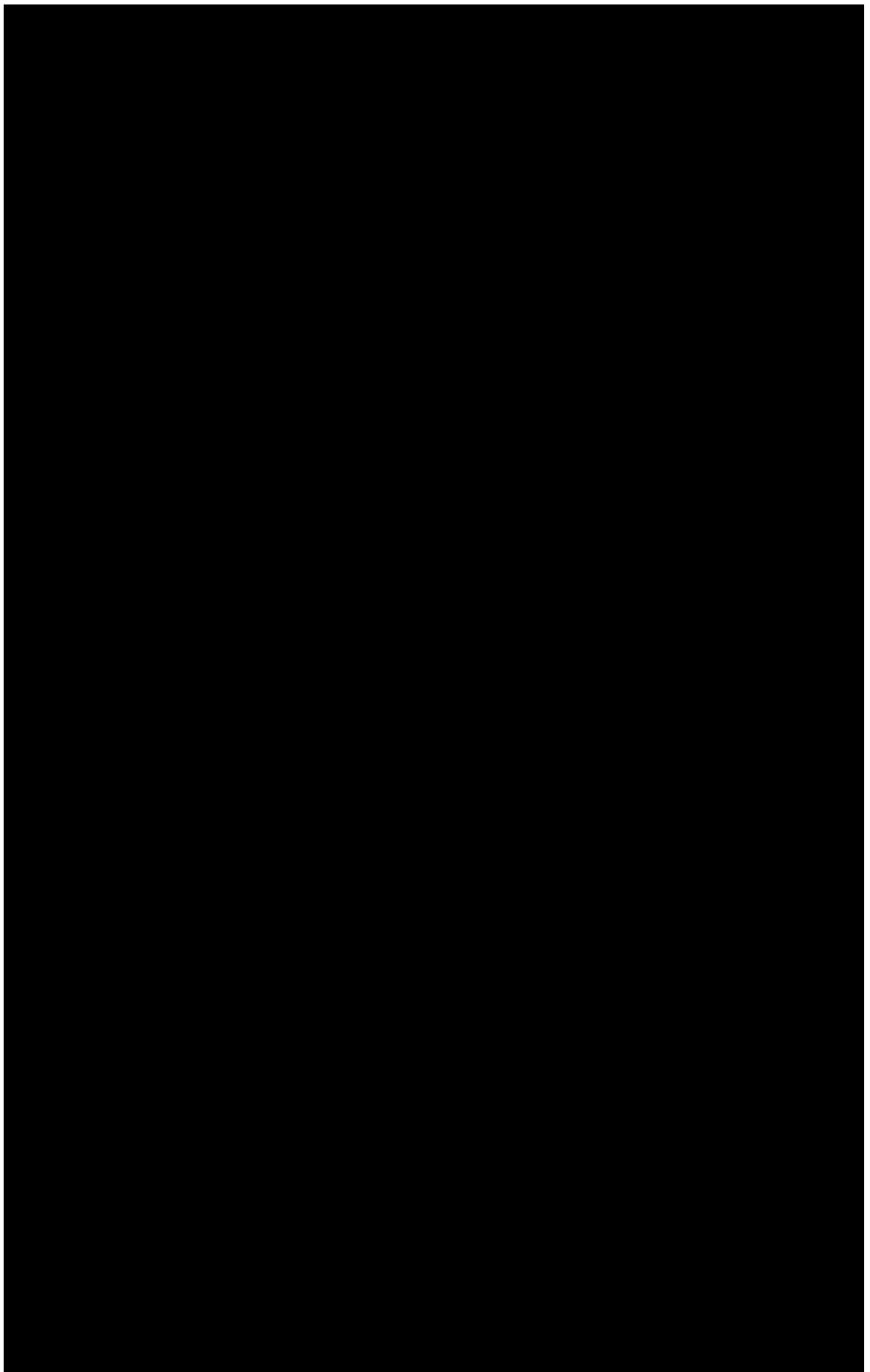
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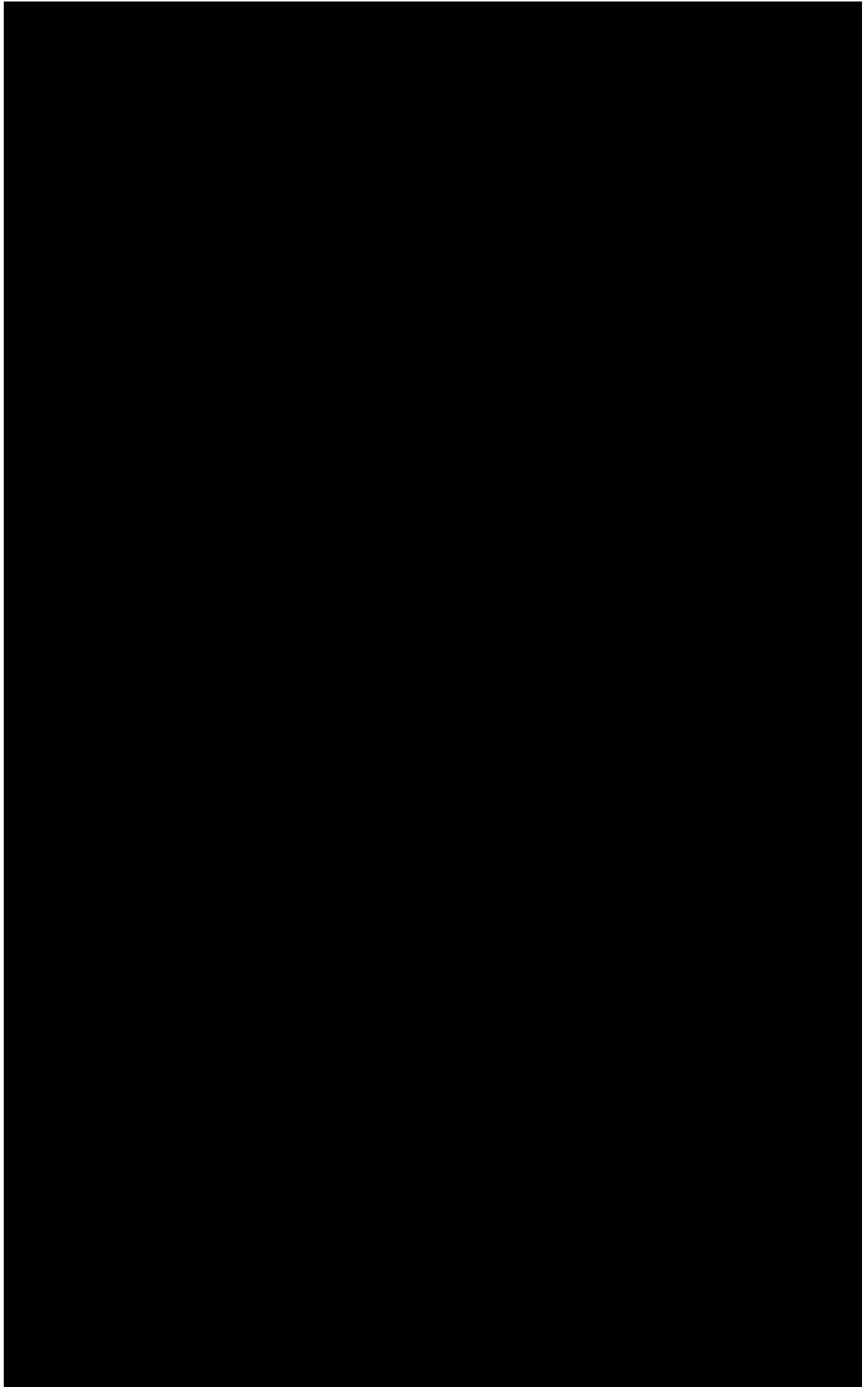
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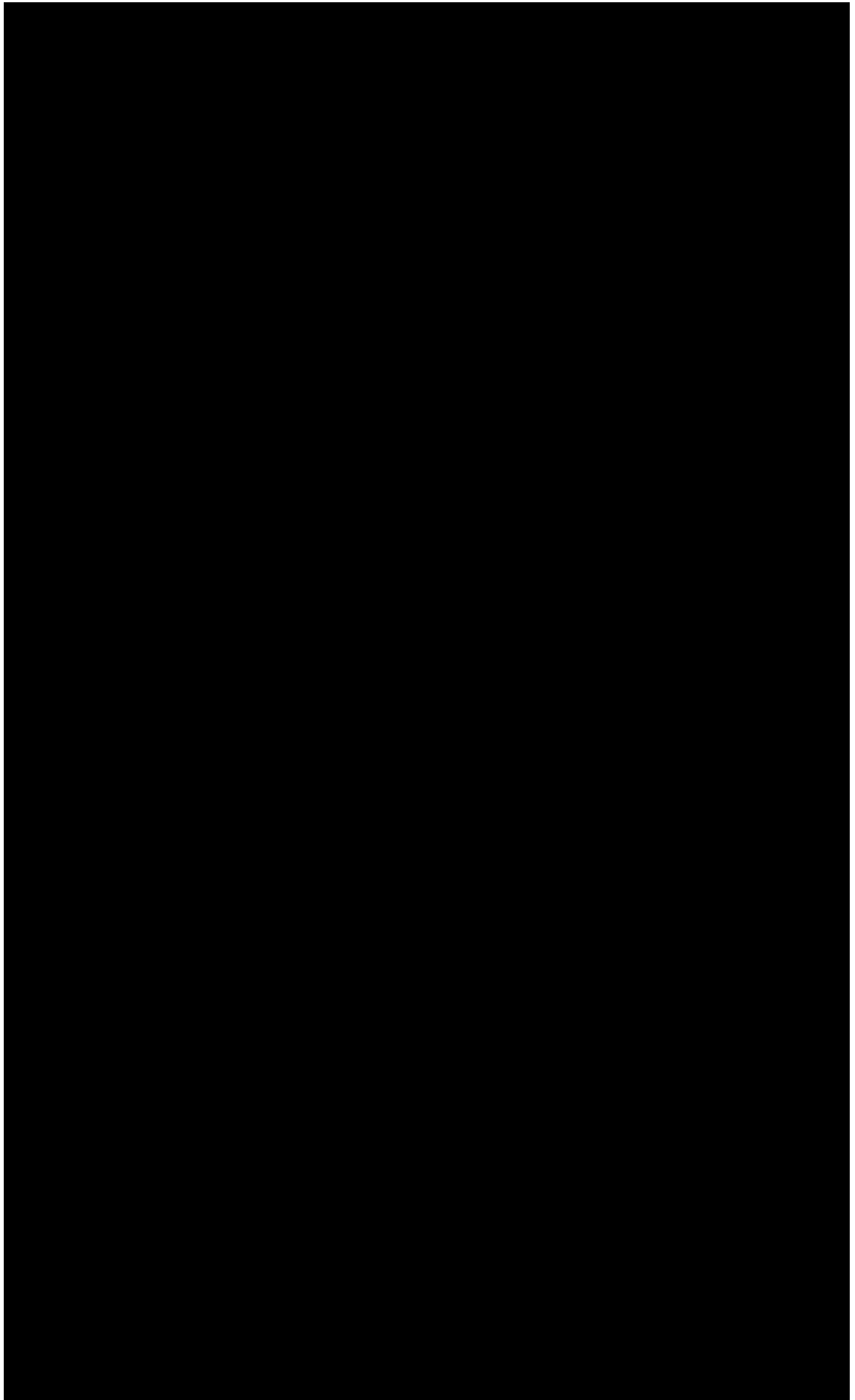
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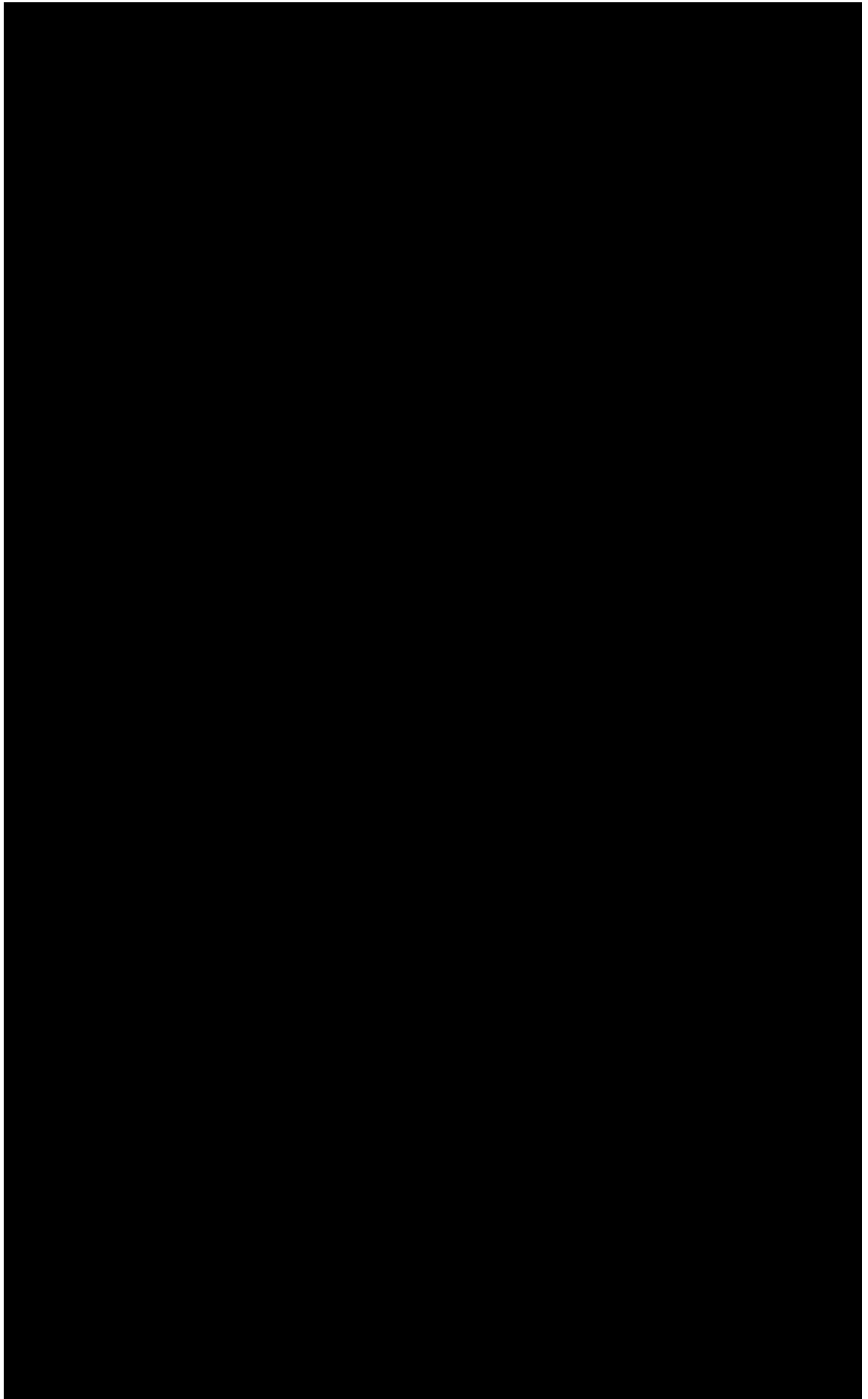
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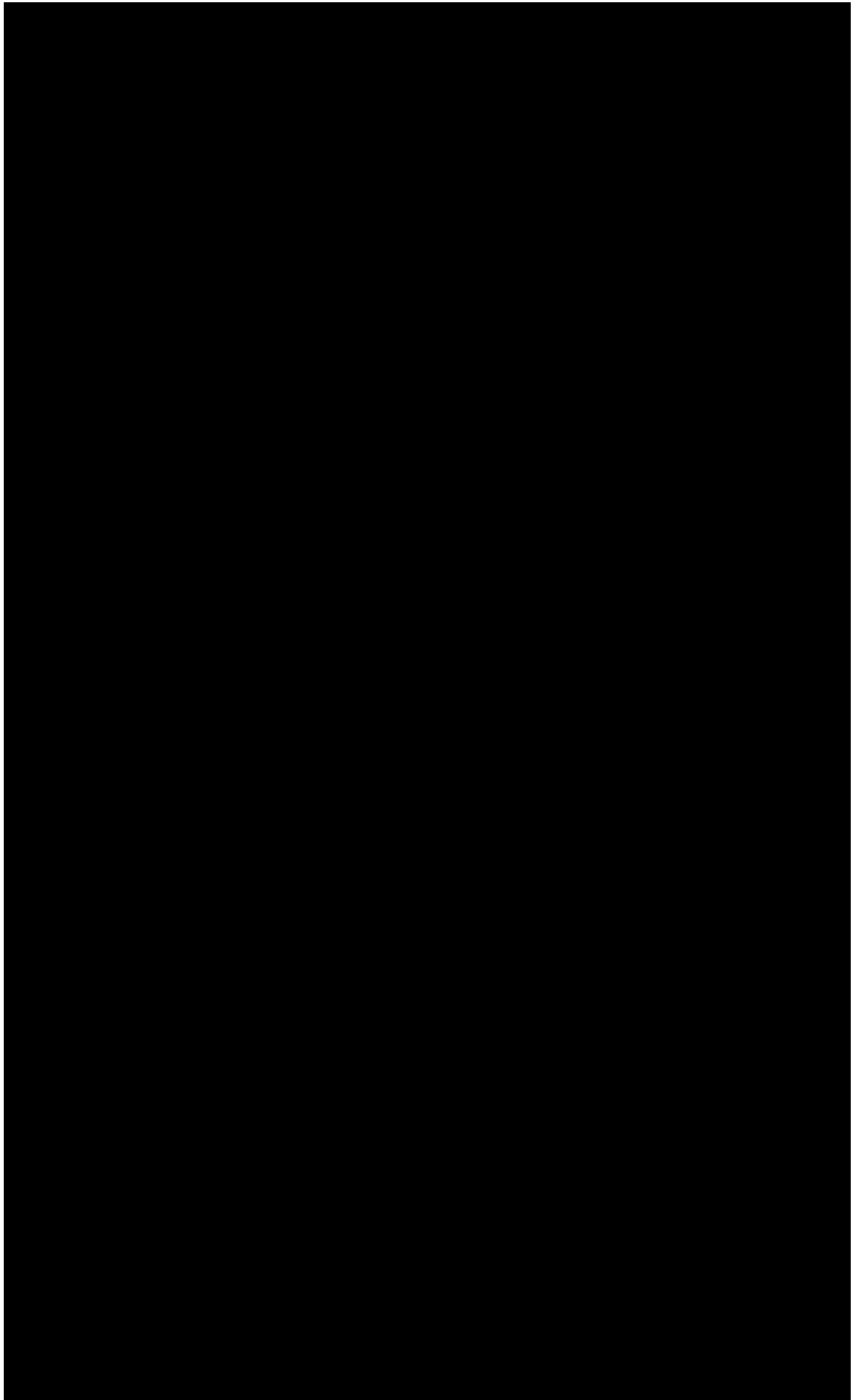
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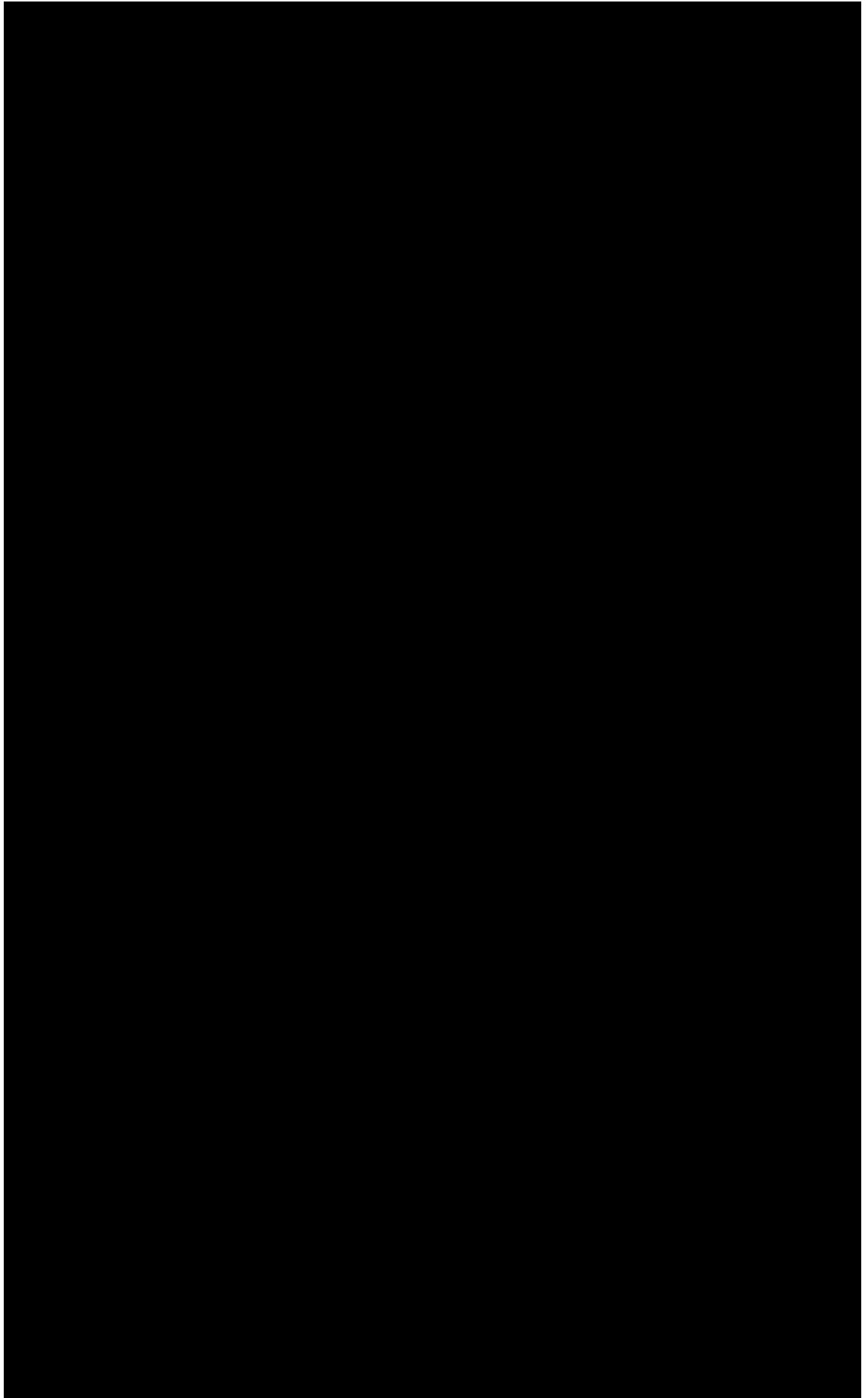
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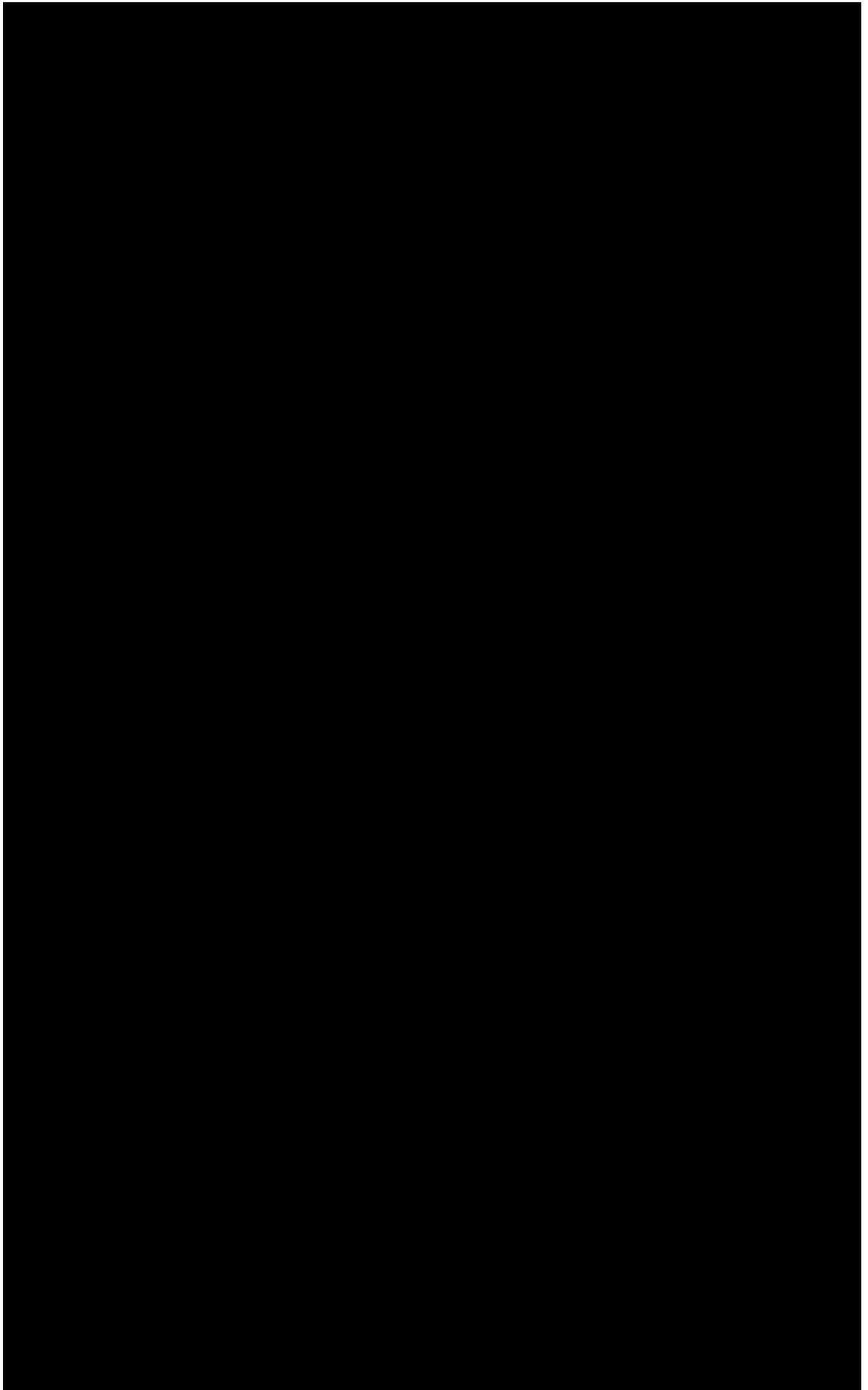
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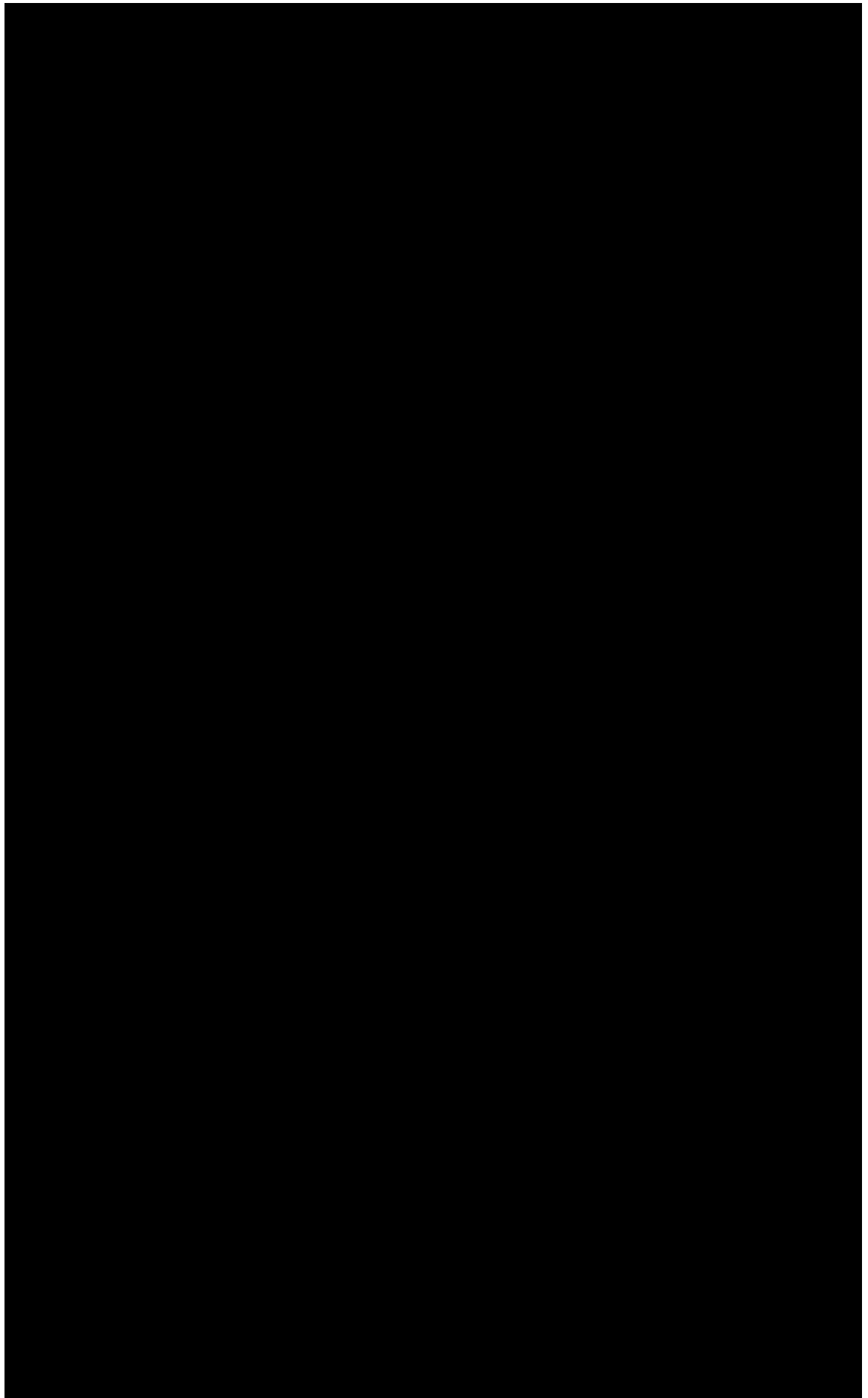
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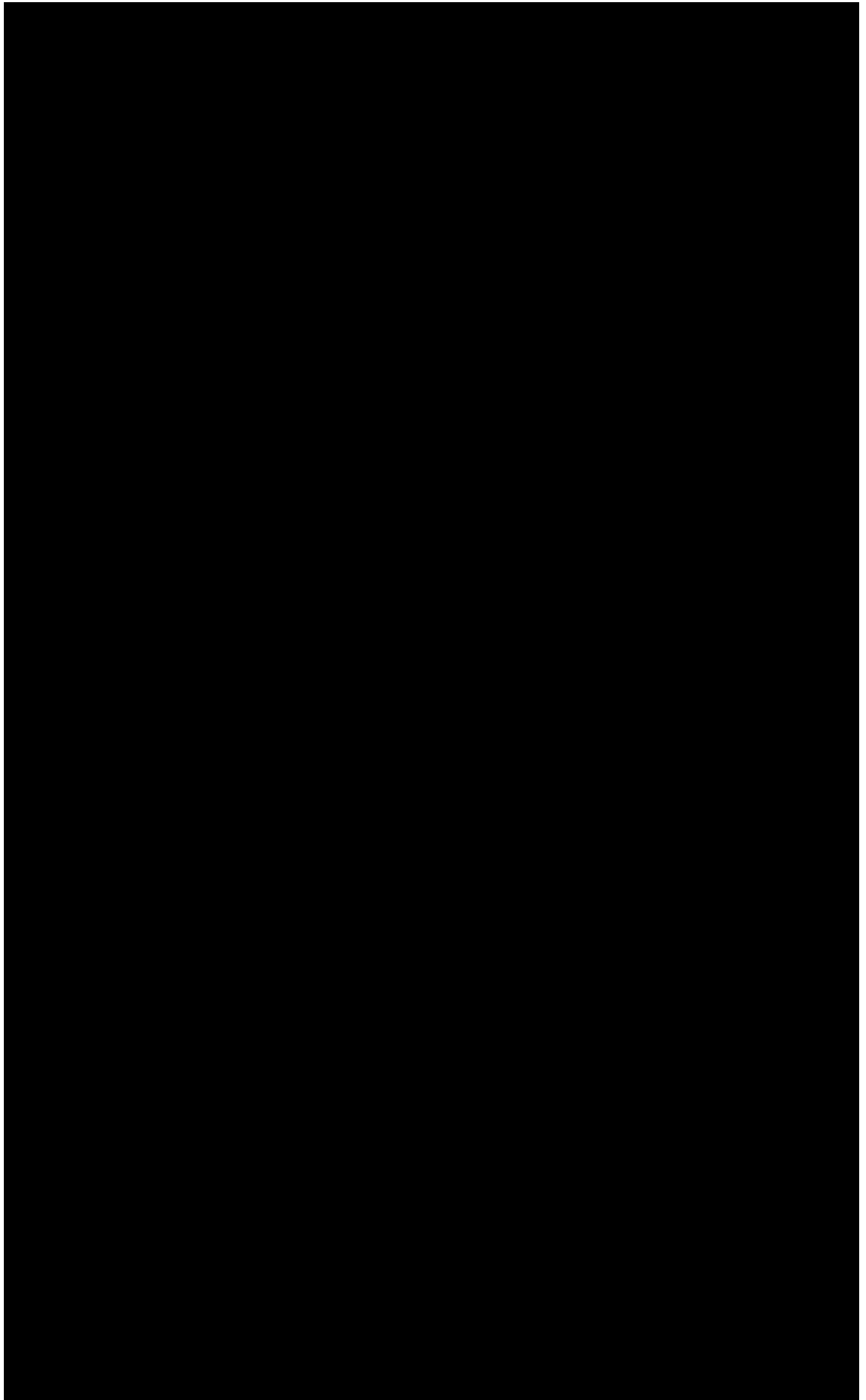
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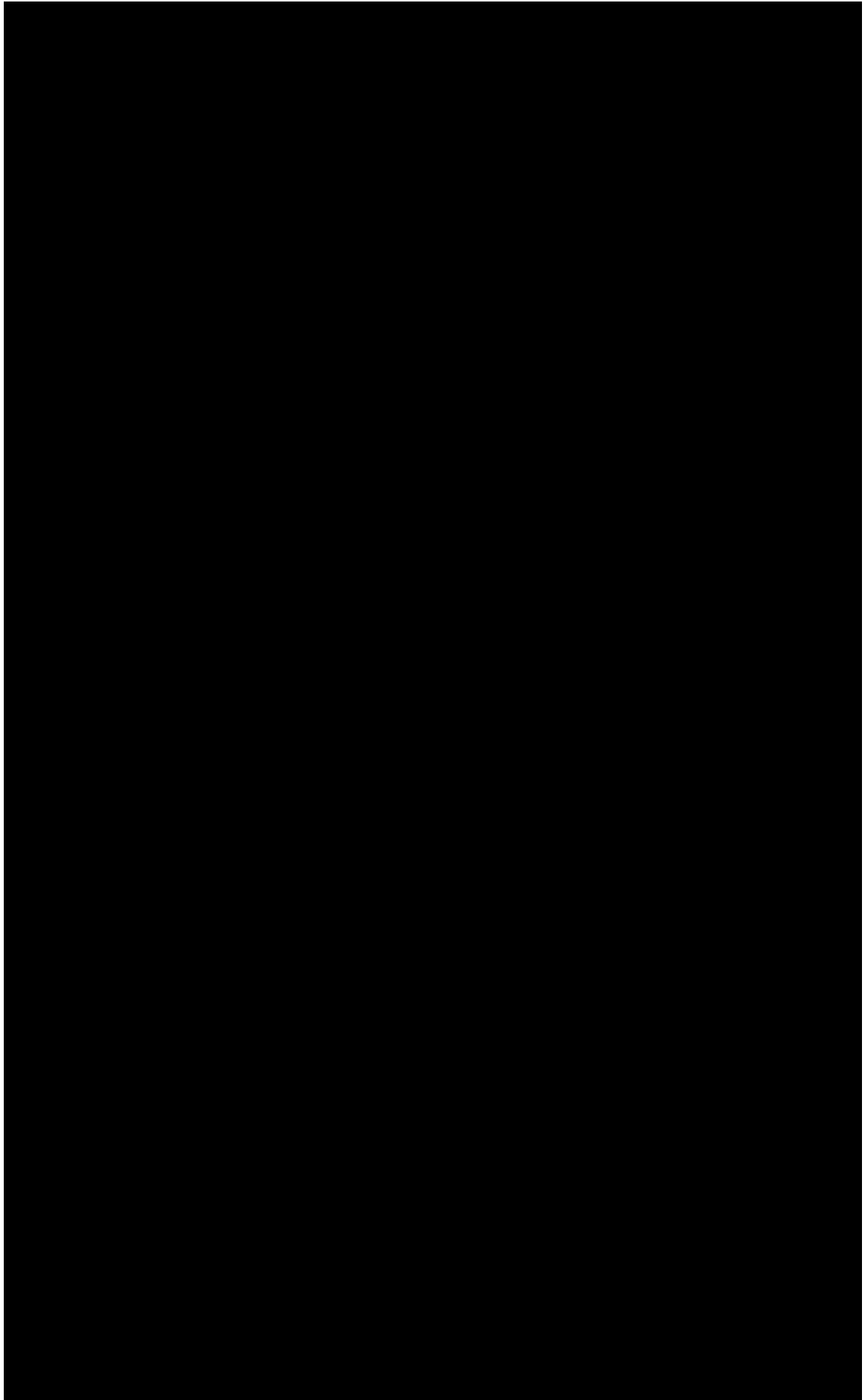
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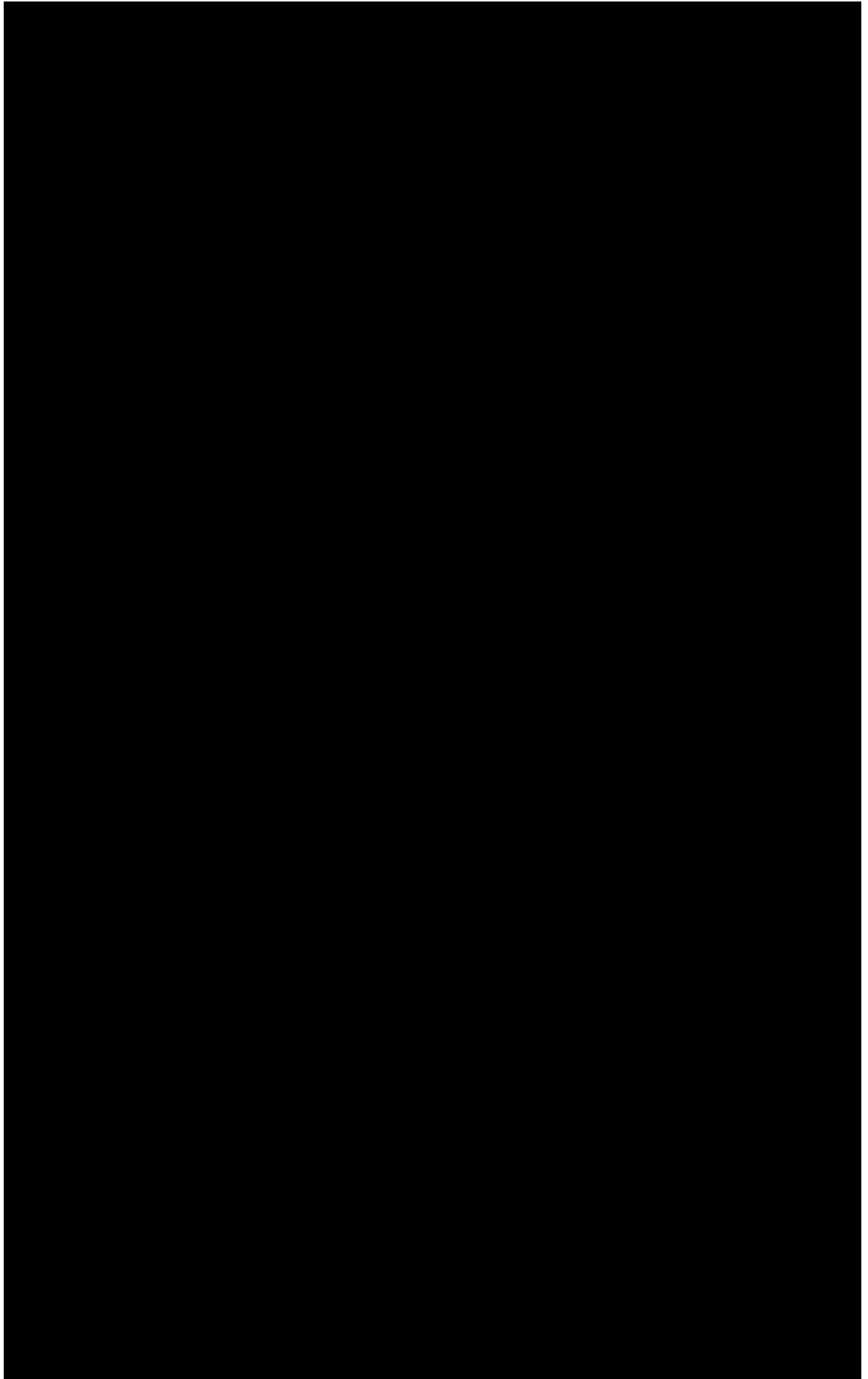
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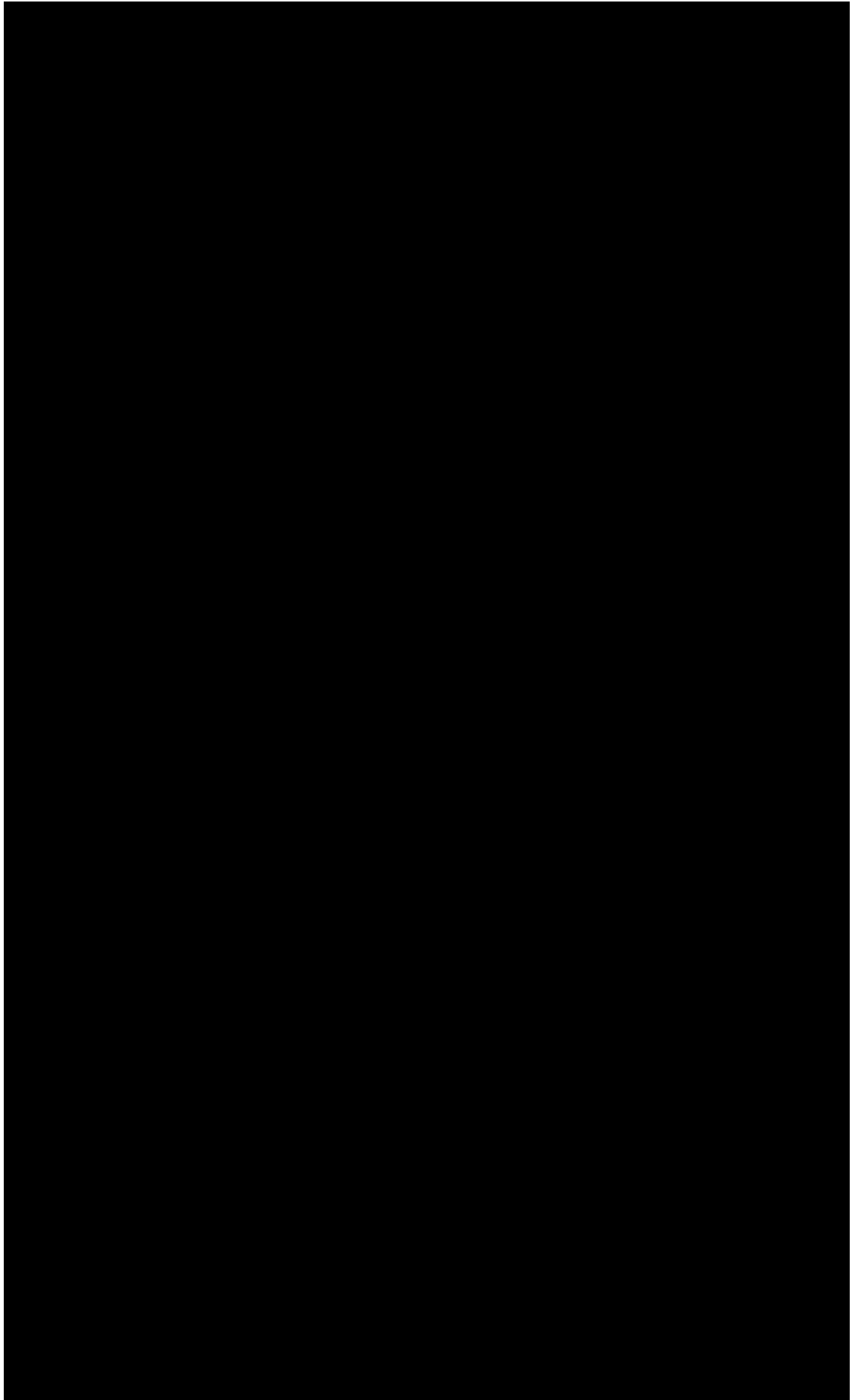
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Q. Okay. Let's take a break while we find that.

THE VIDEOGRAPHER: Off video, 2:07.

(Short break.)

THE VIDEOGRAPHER: We are going back on record. Beginning of Media File 8. The time is 2:21.

BY MR. BAKER:

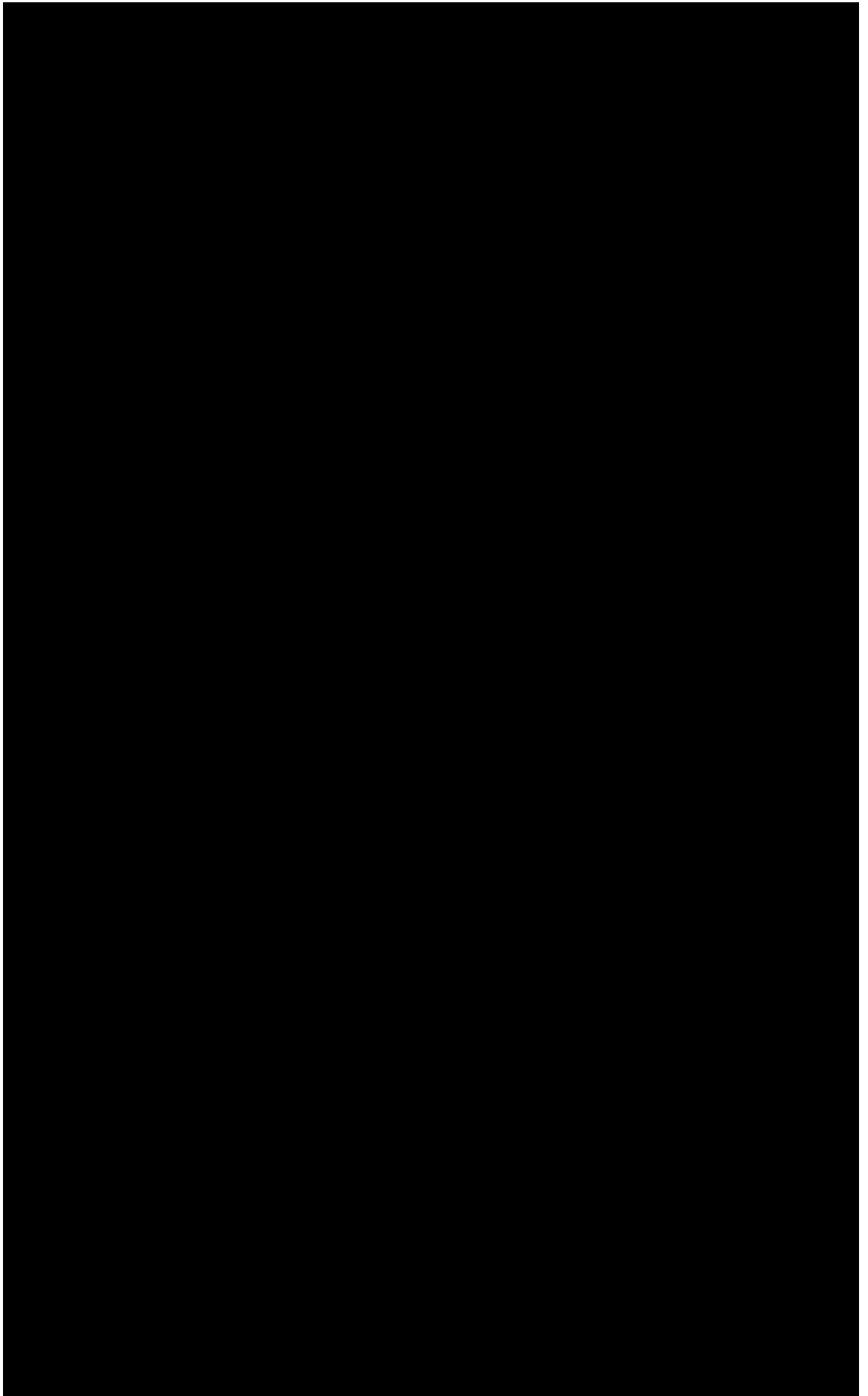
Q. Pull Exhibit 81, please. You have in front of you --

MS. MILLER: Could you give us one minute?

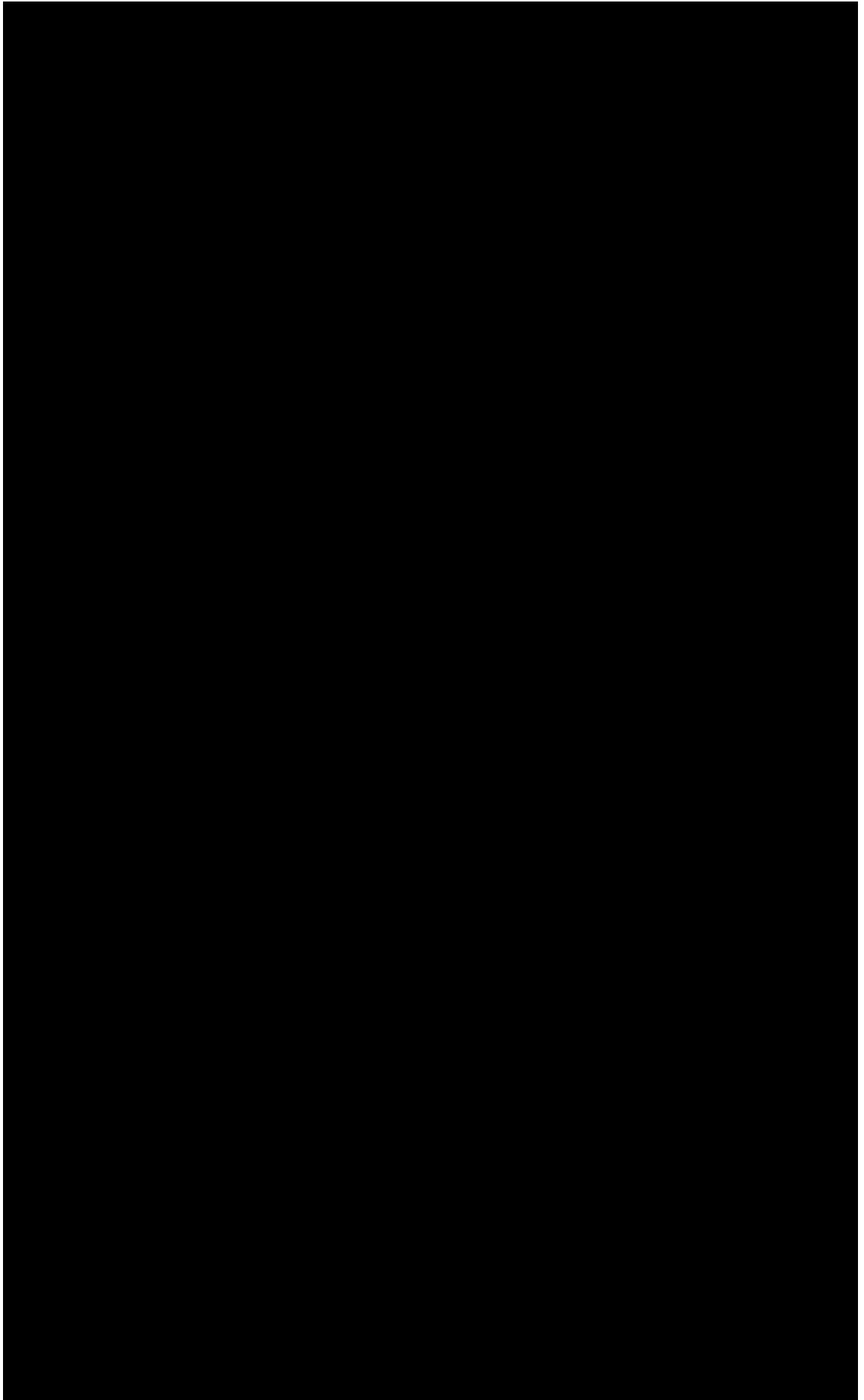
MR. BAKER: Sure.

MS. MILLER: Okay.

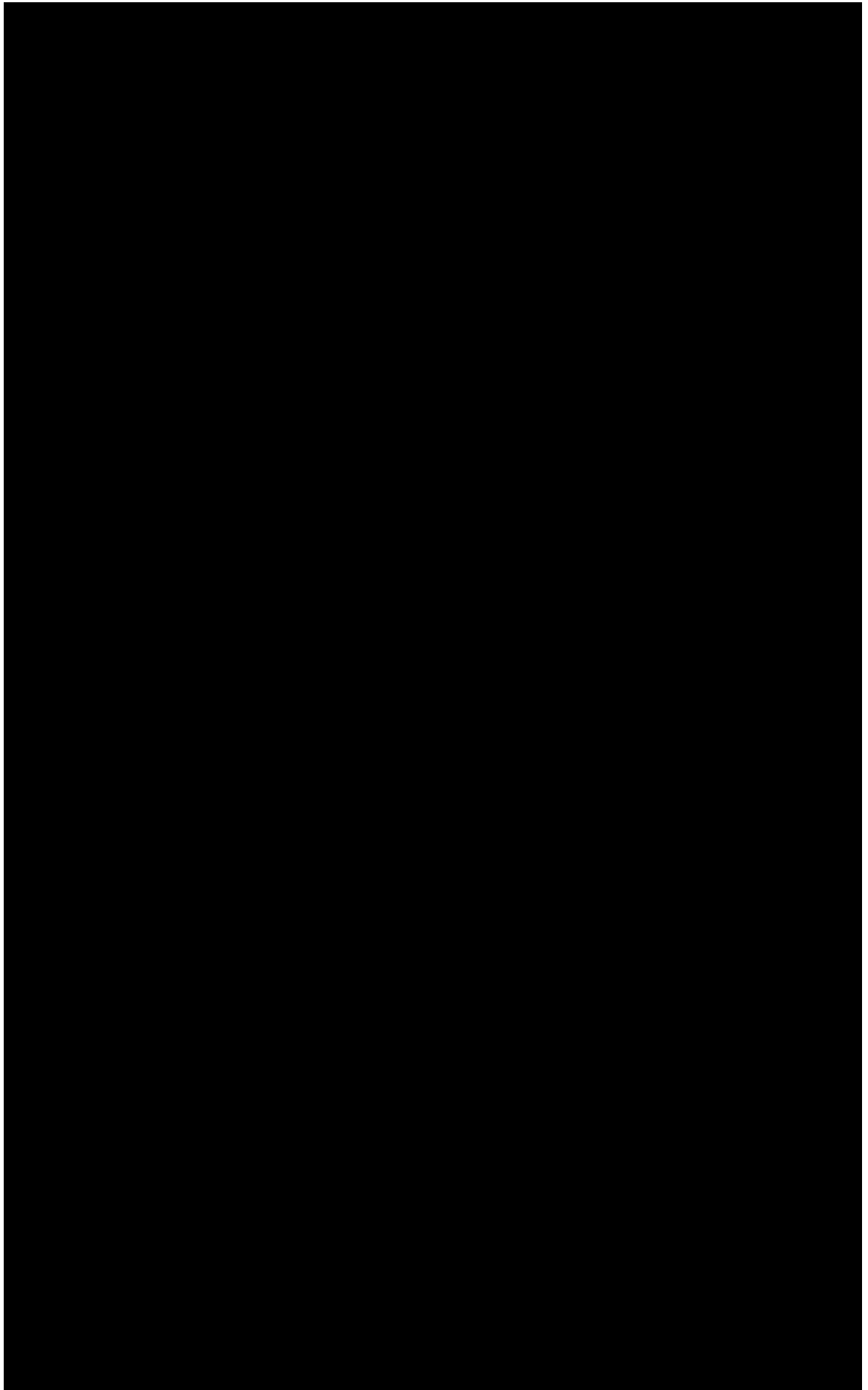
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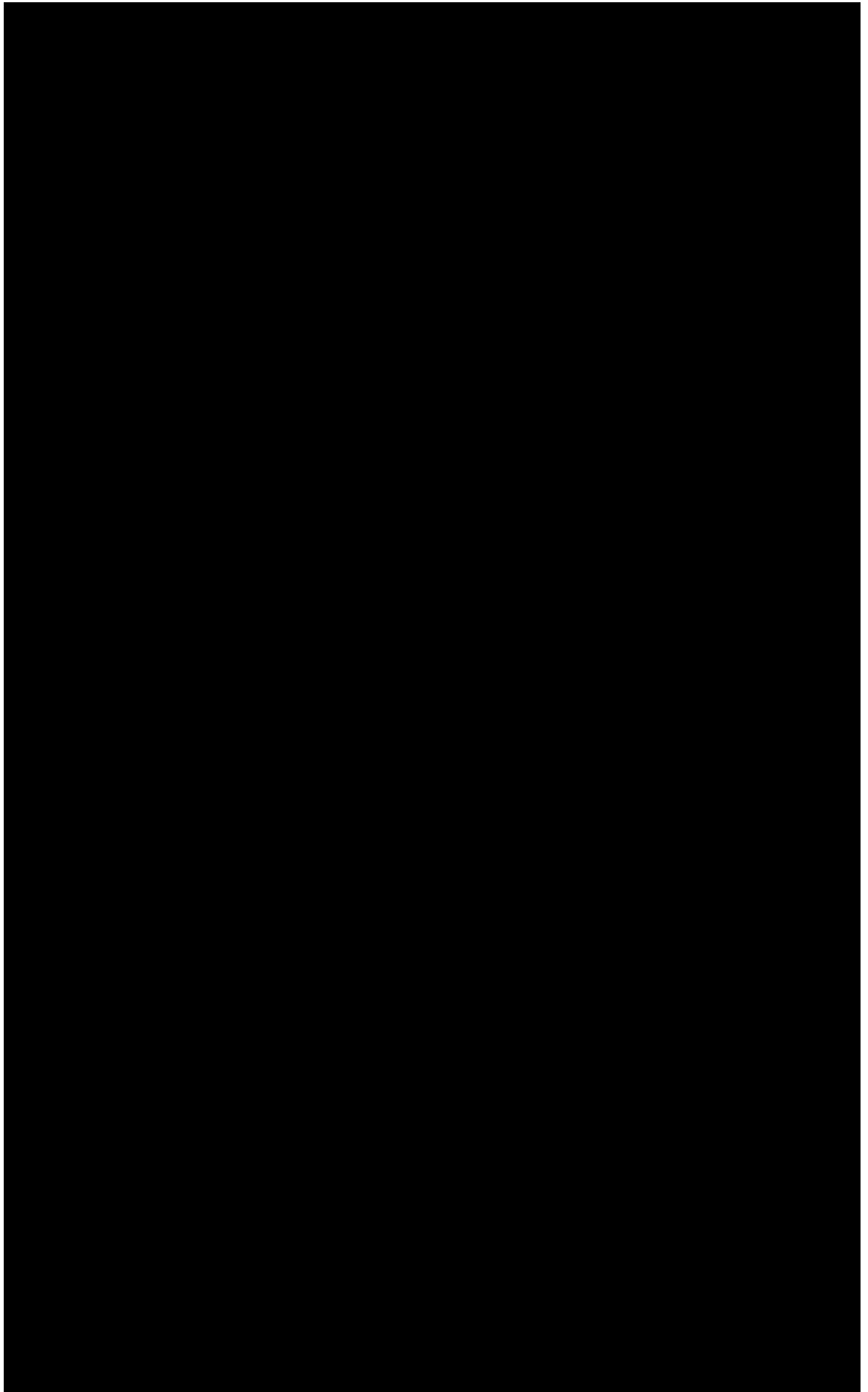
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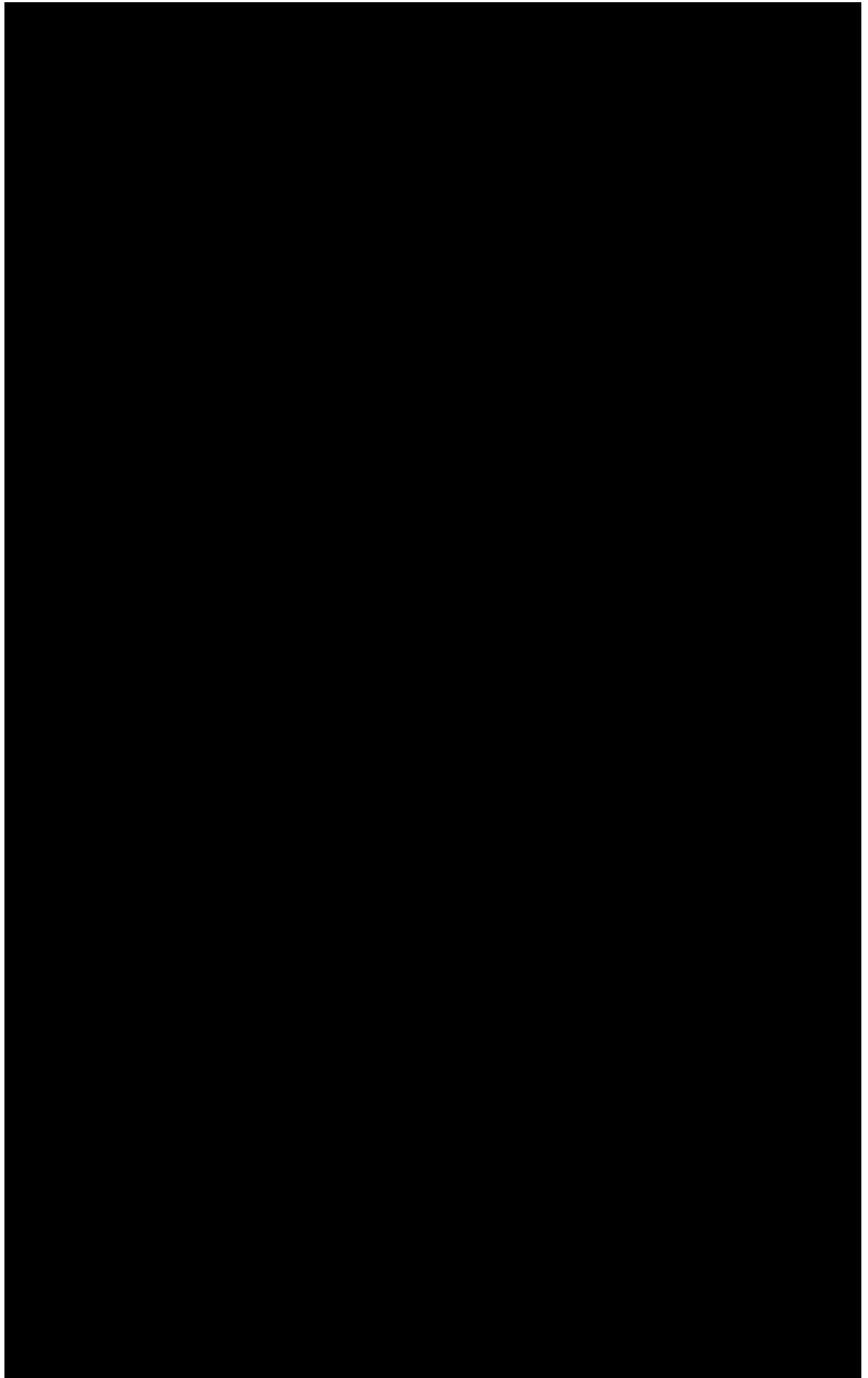
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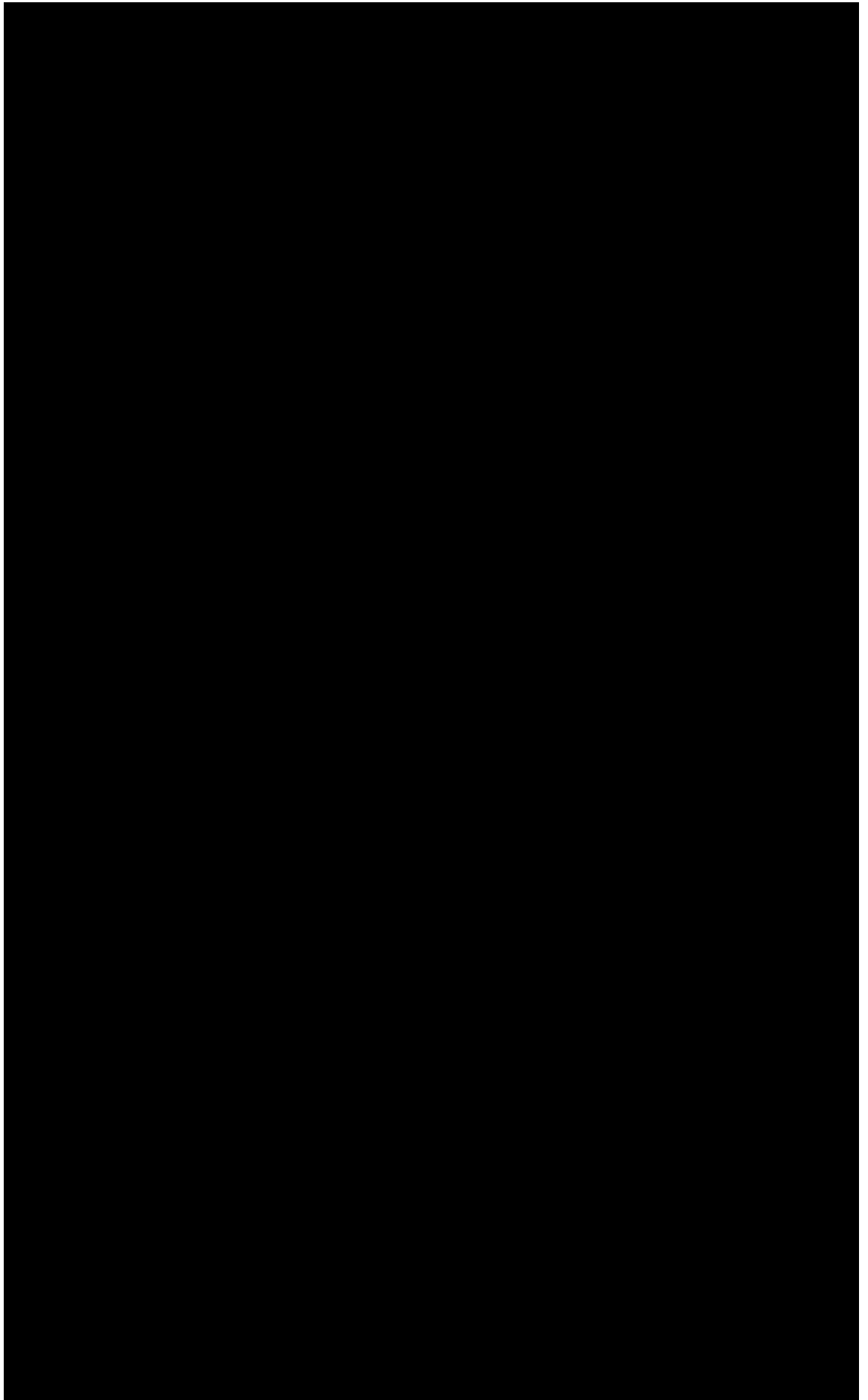
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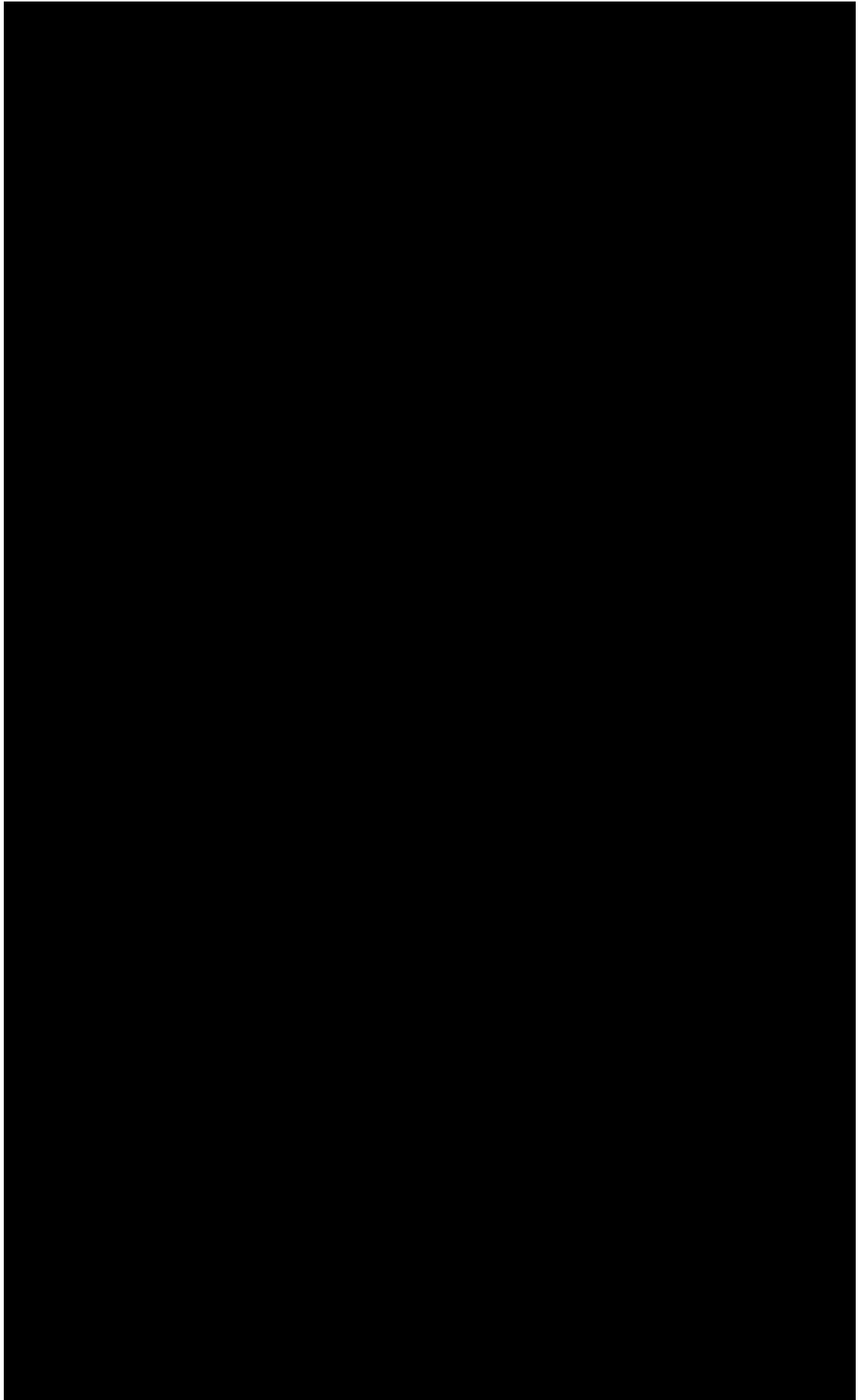
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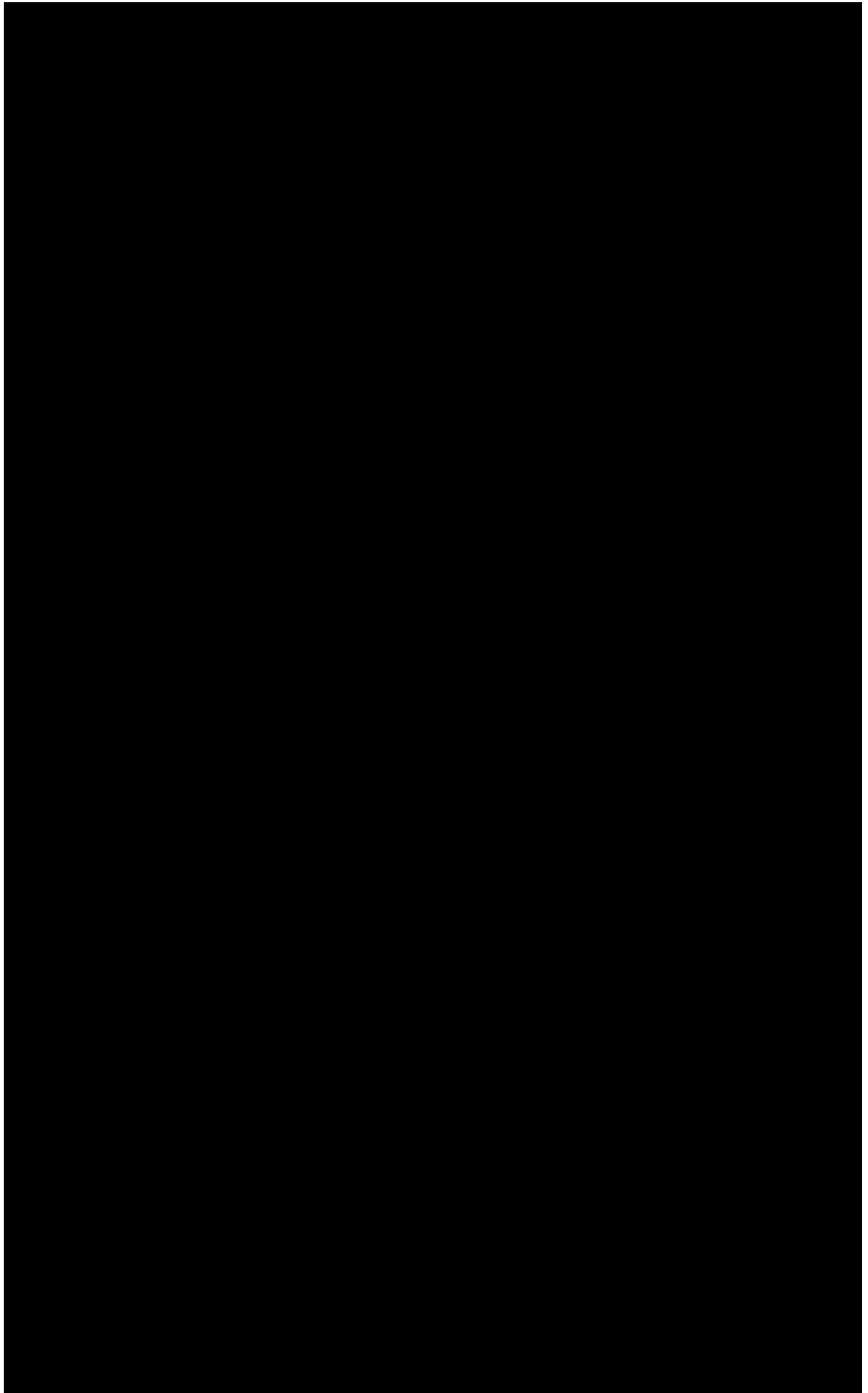
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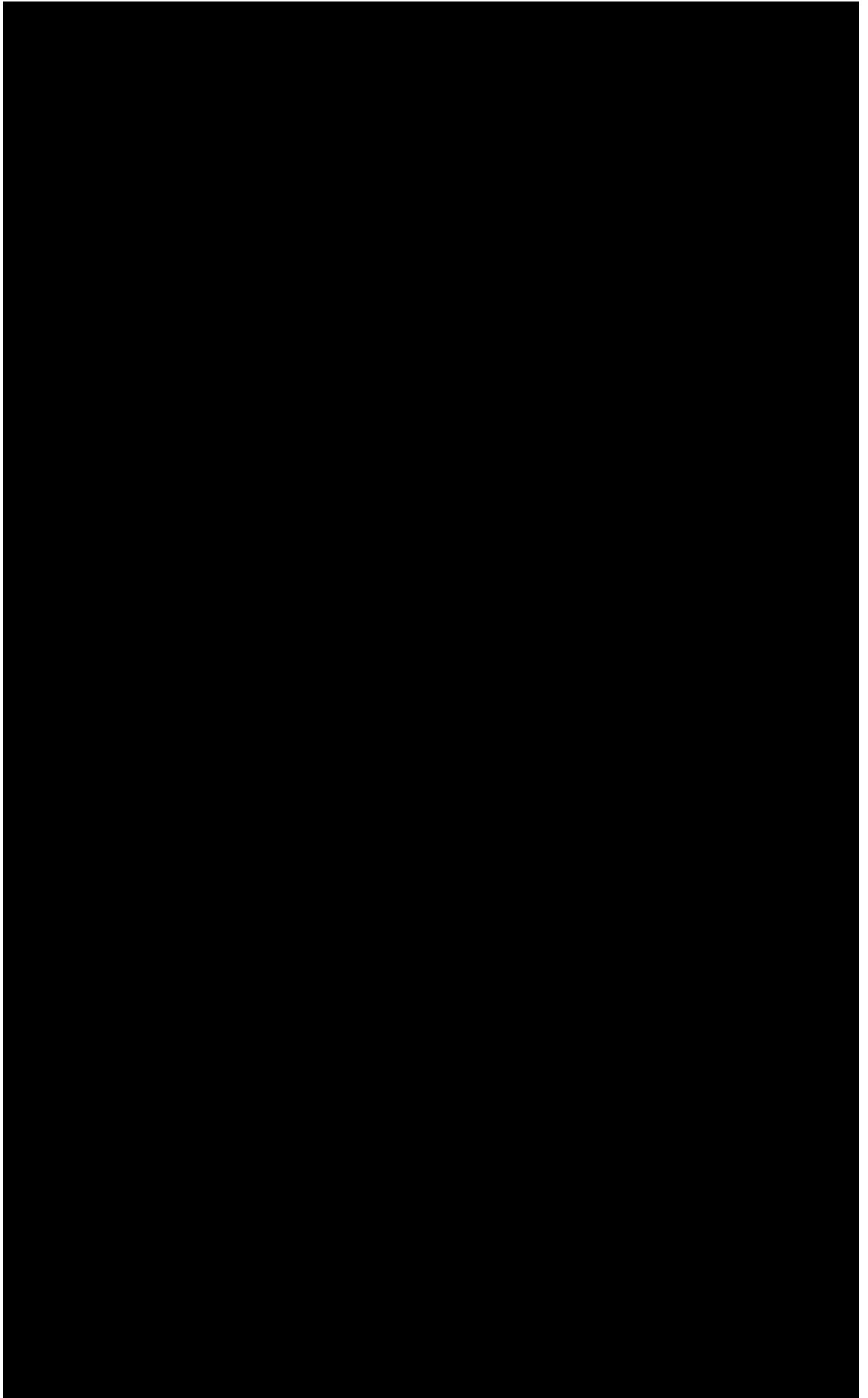
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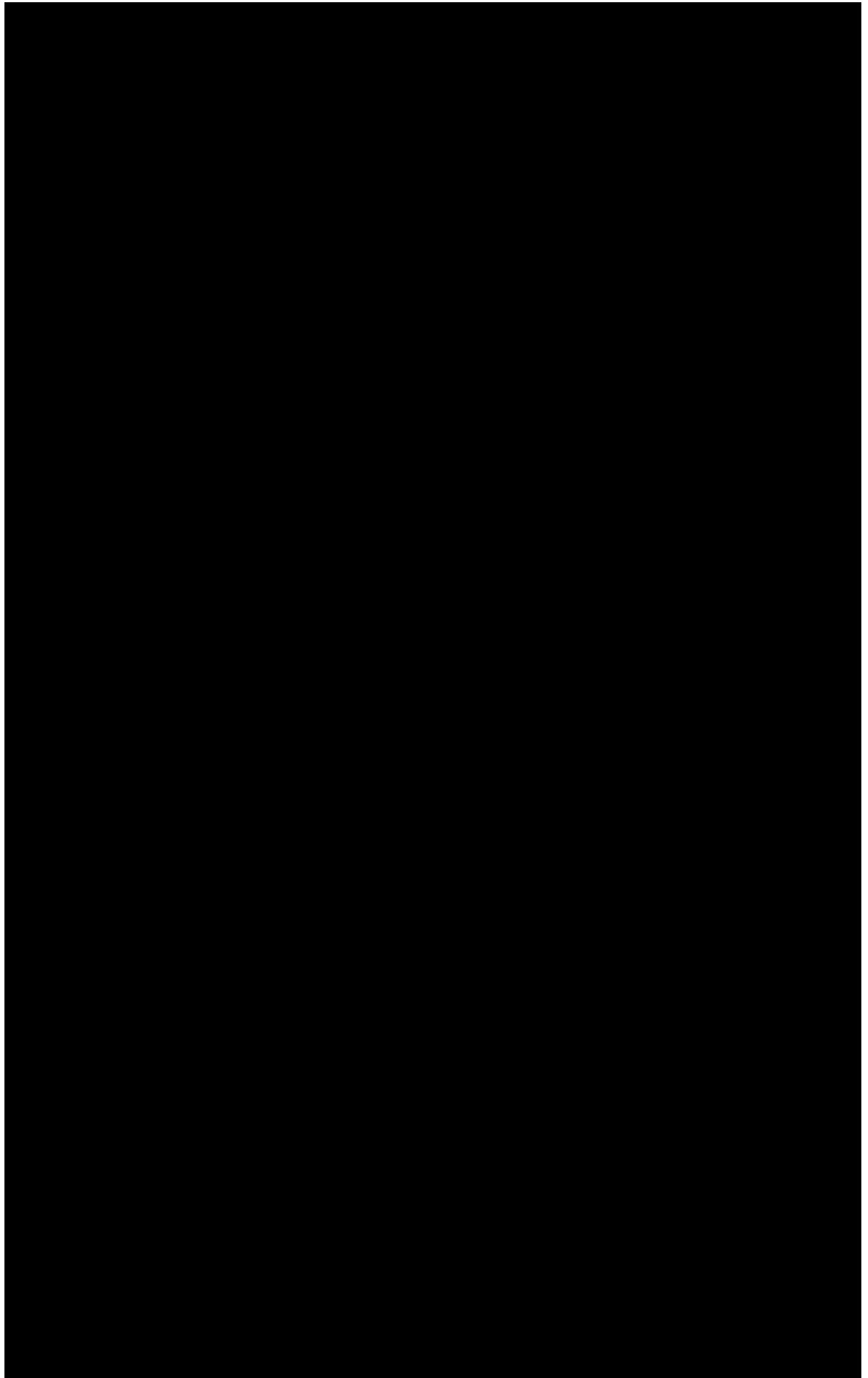
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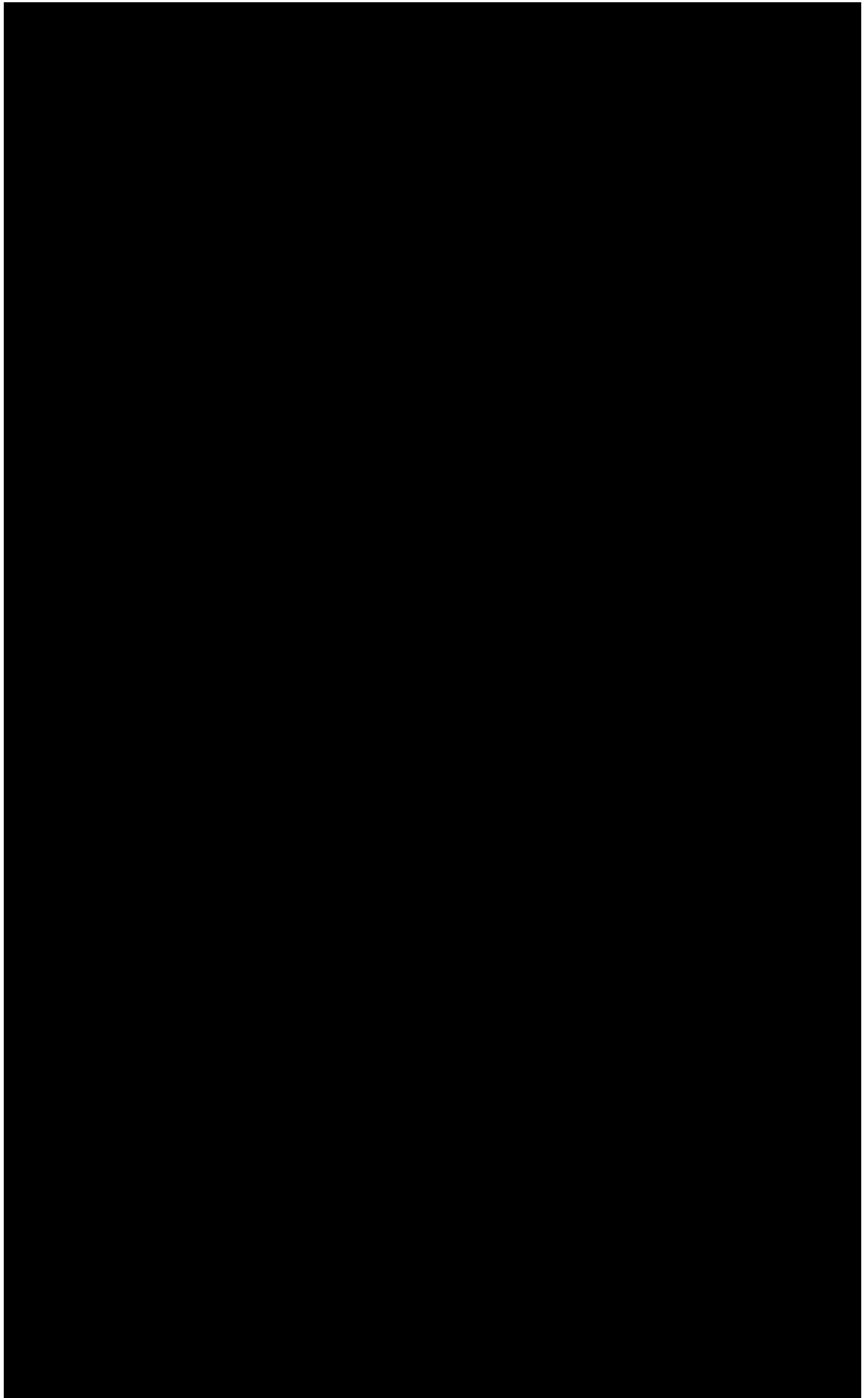
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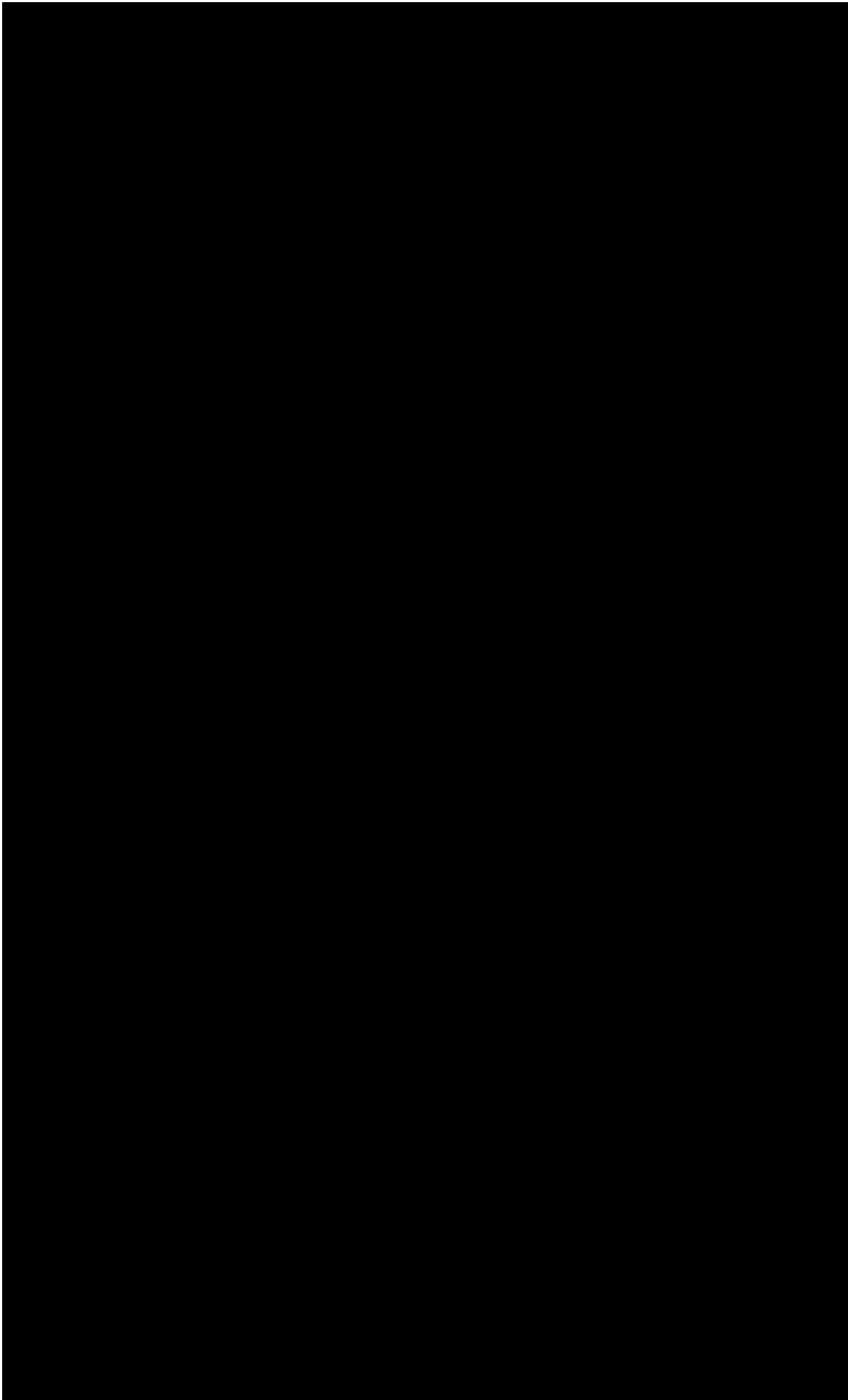
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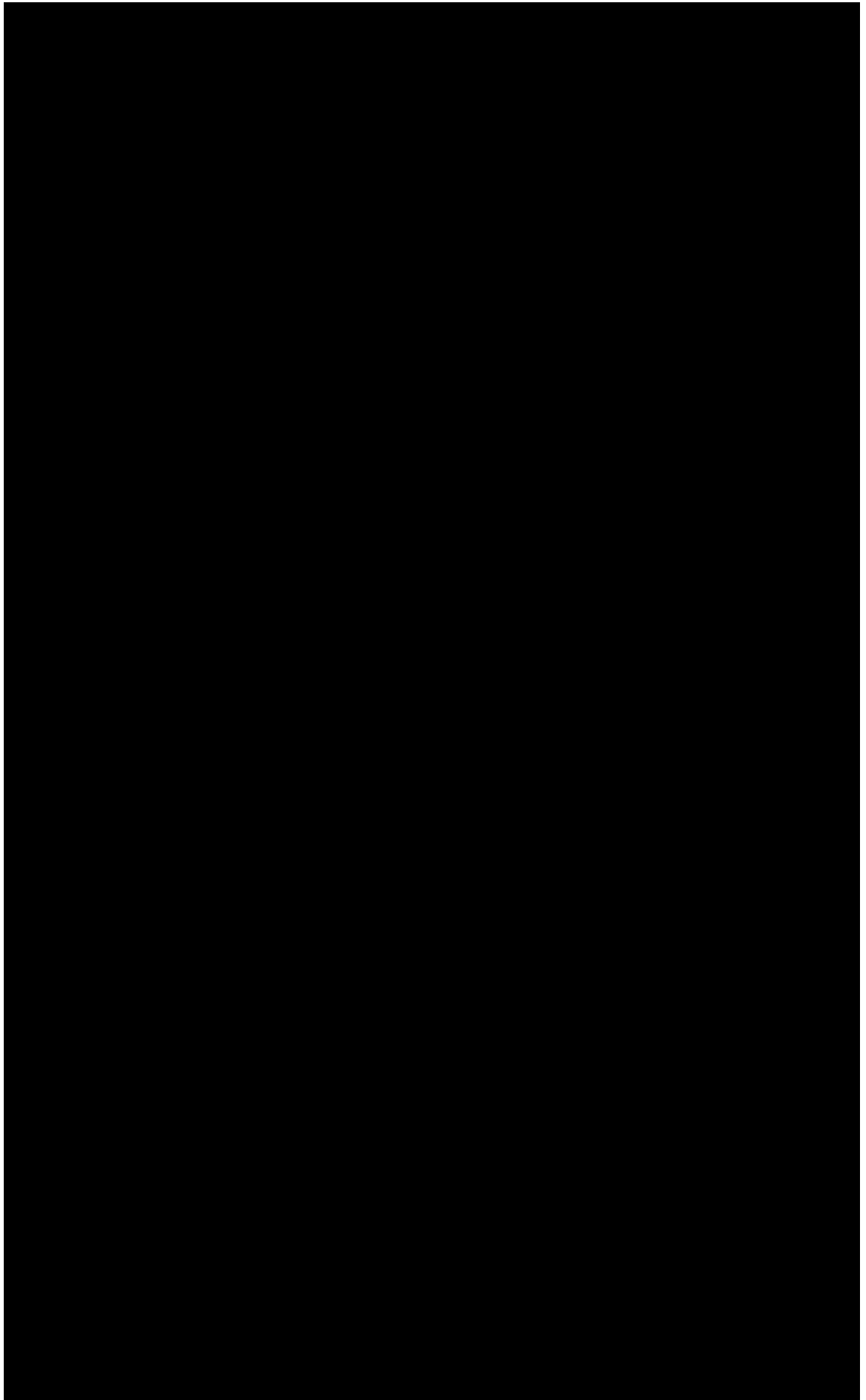
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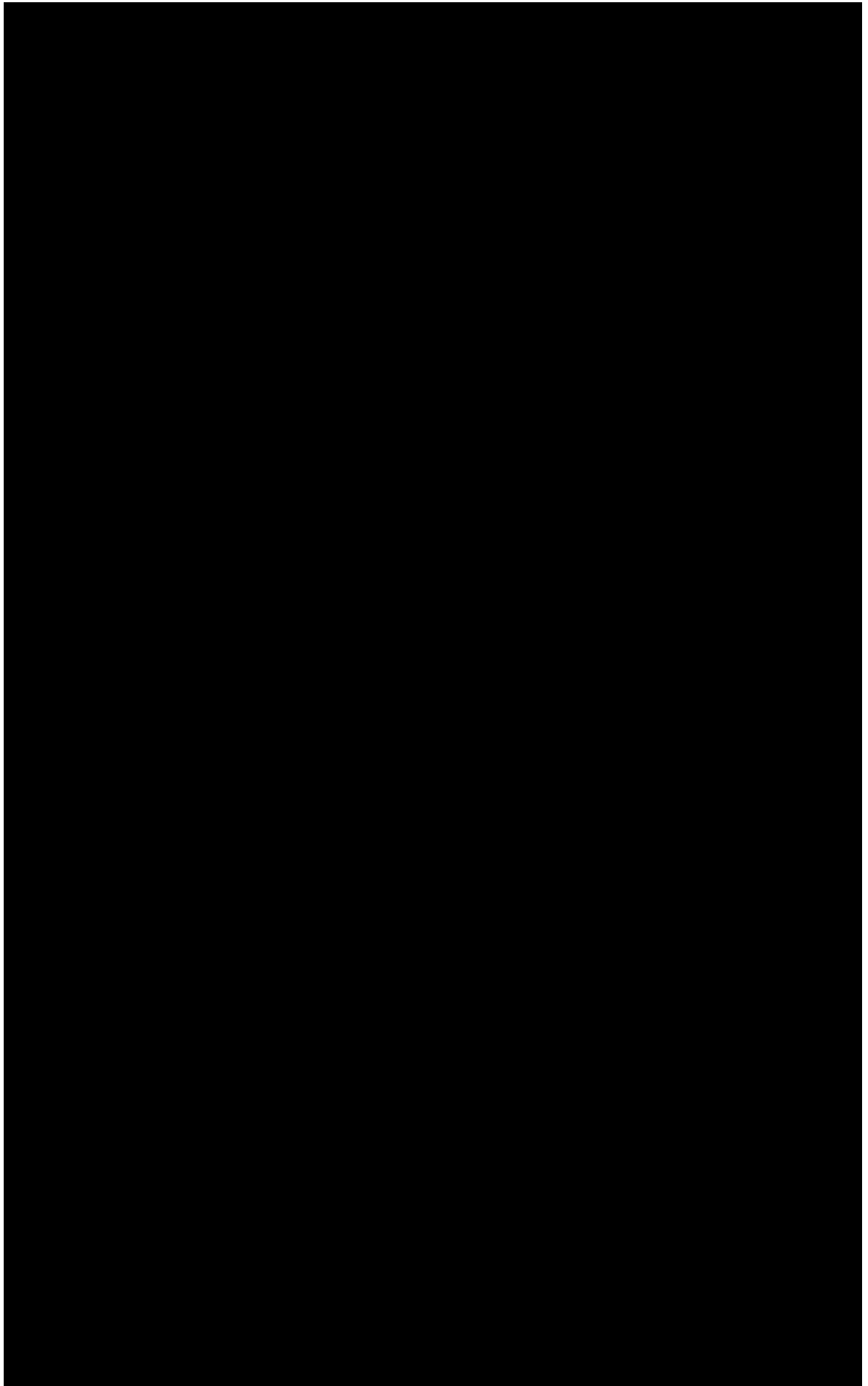
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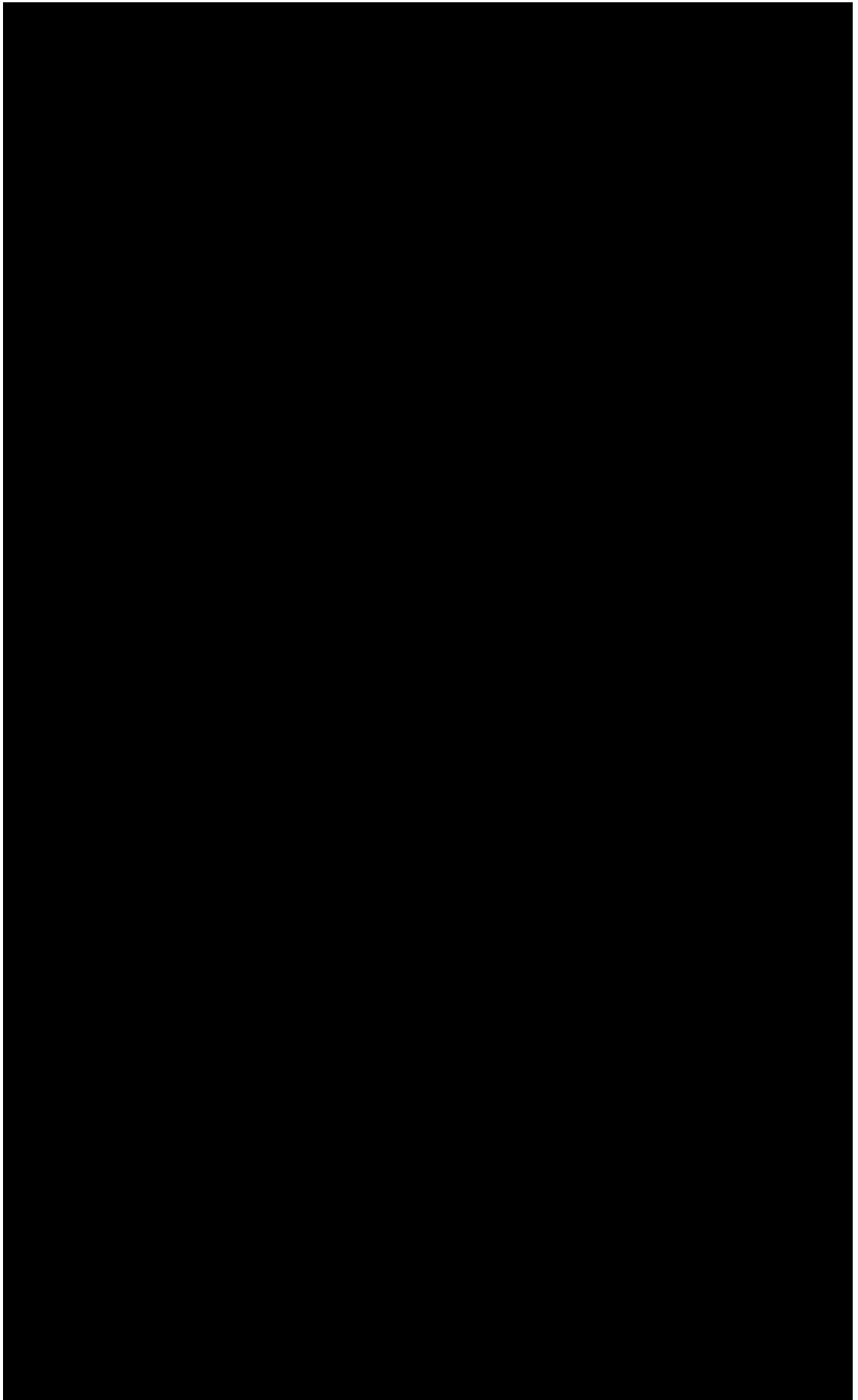
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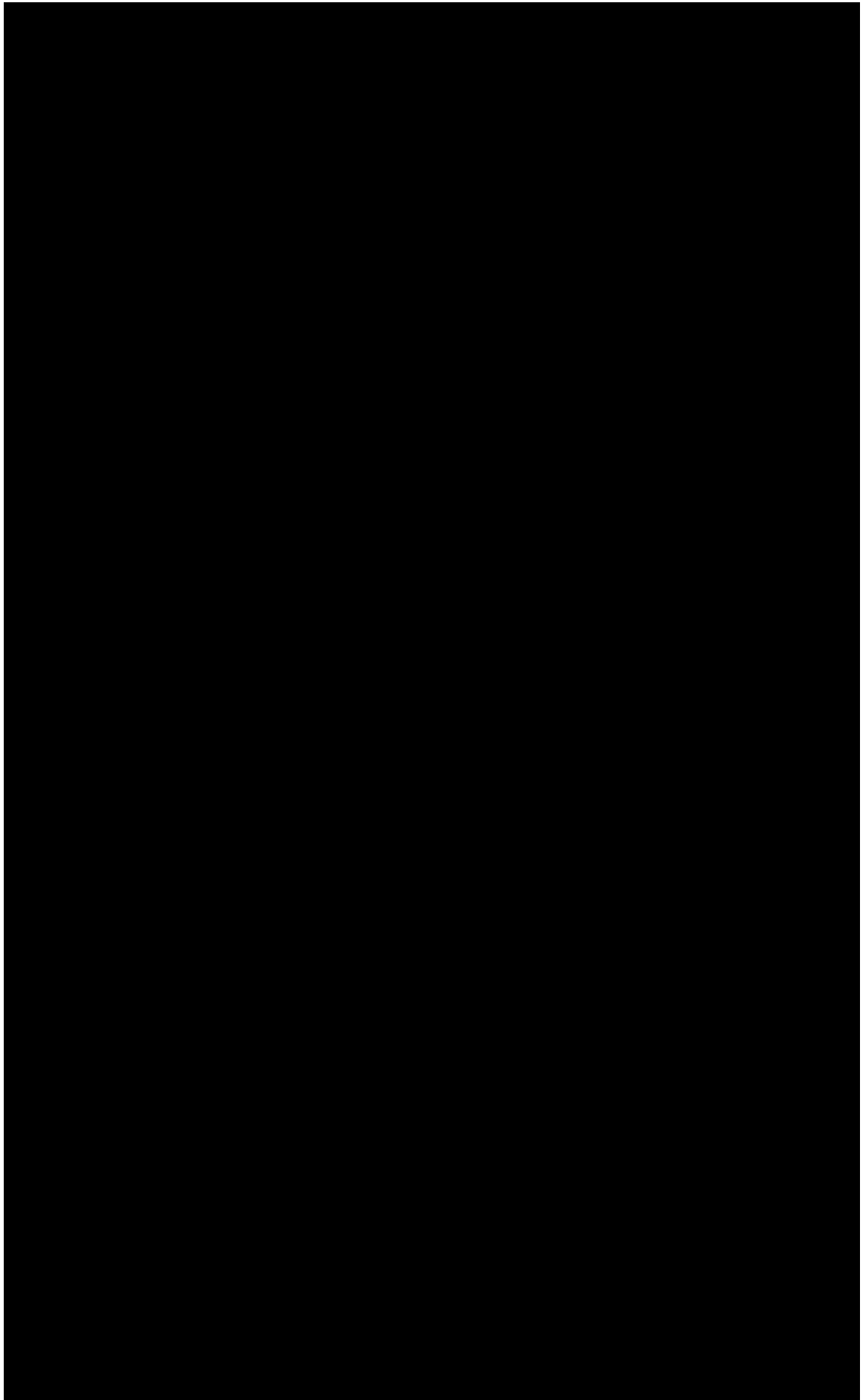
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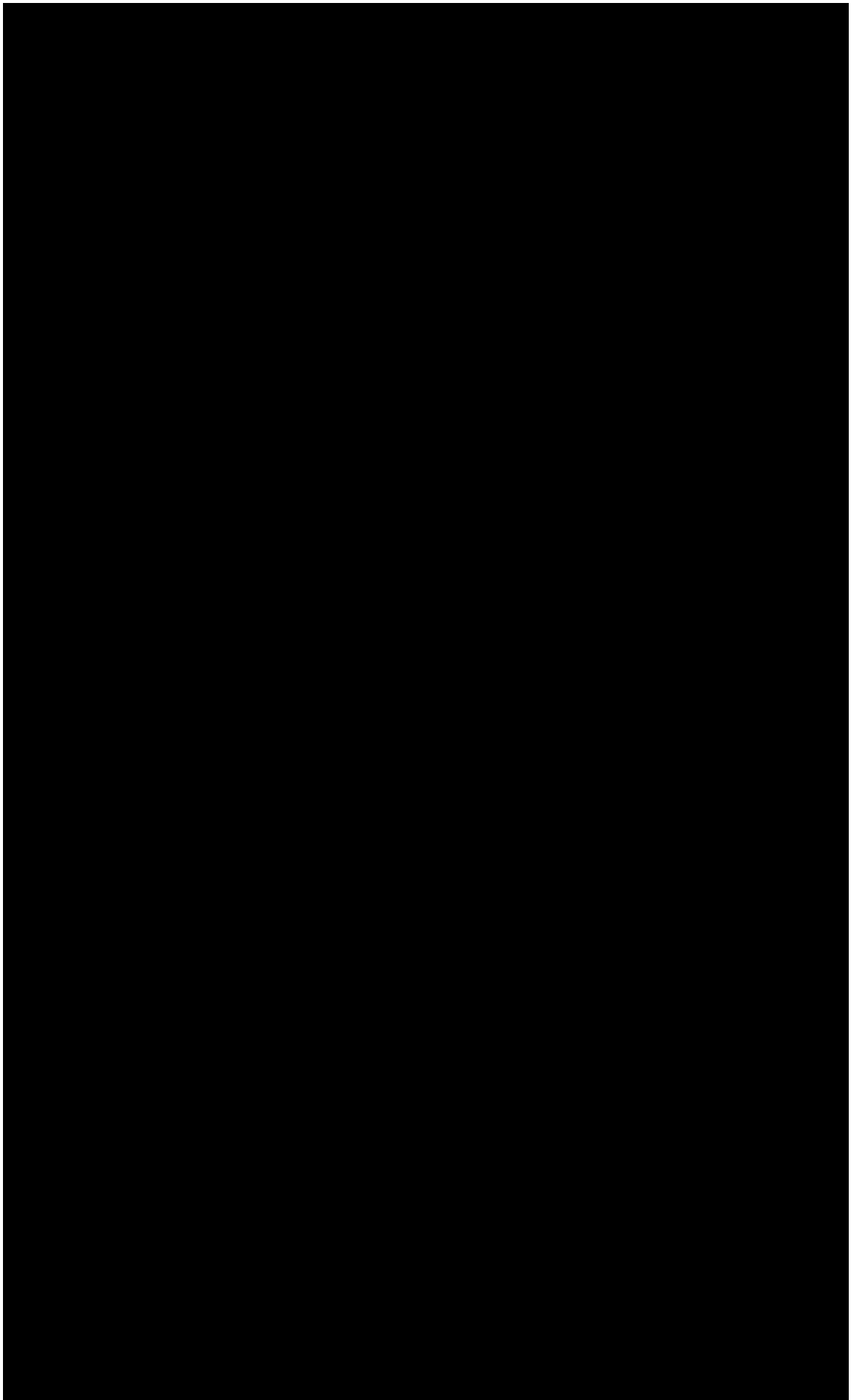
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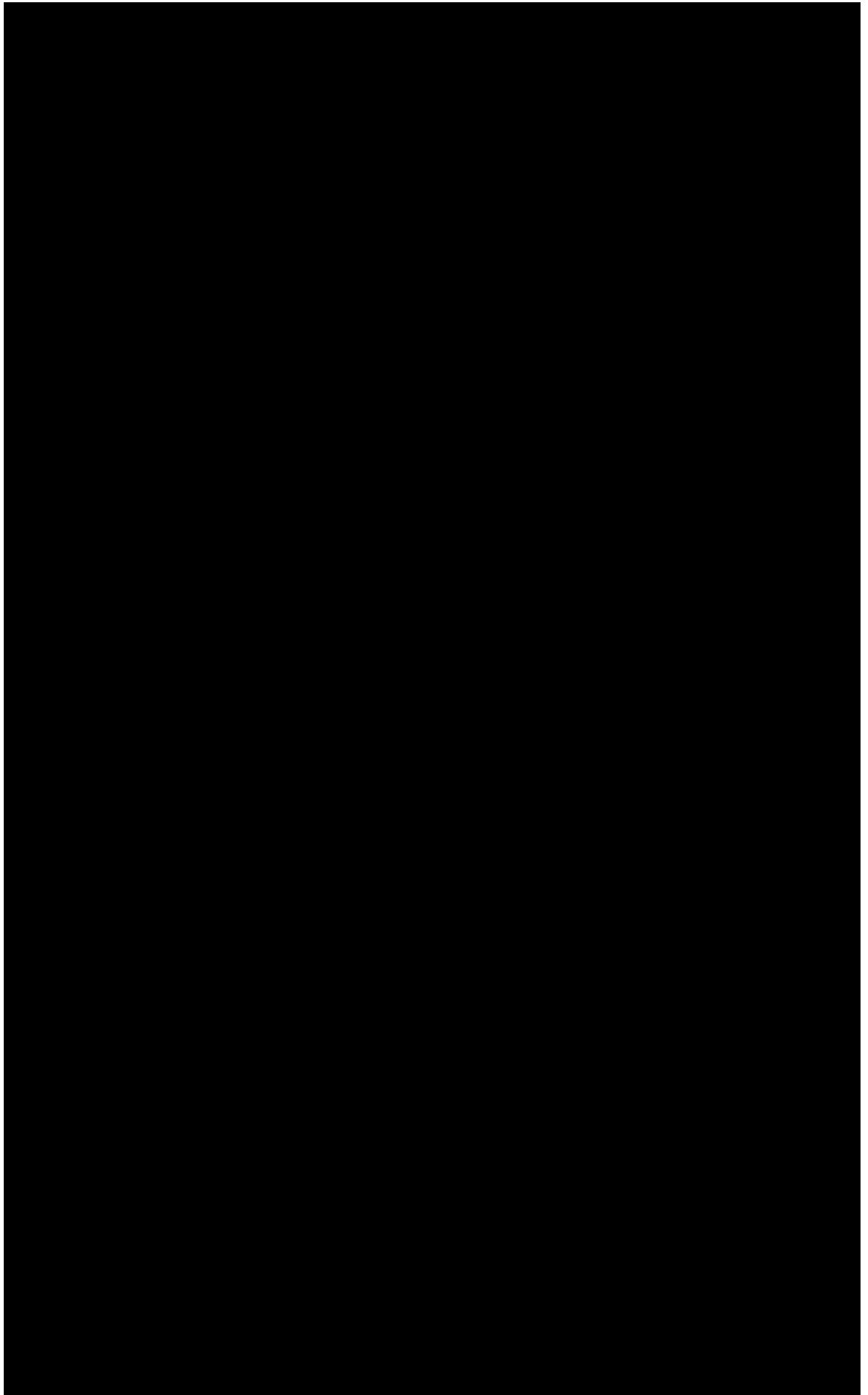
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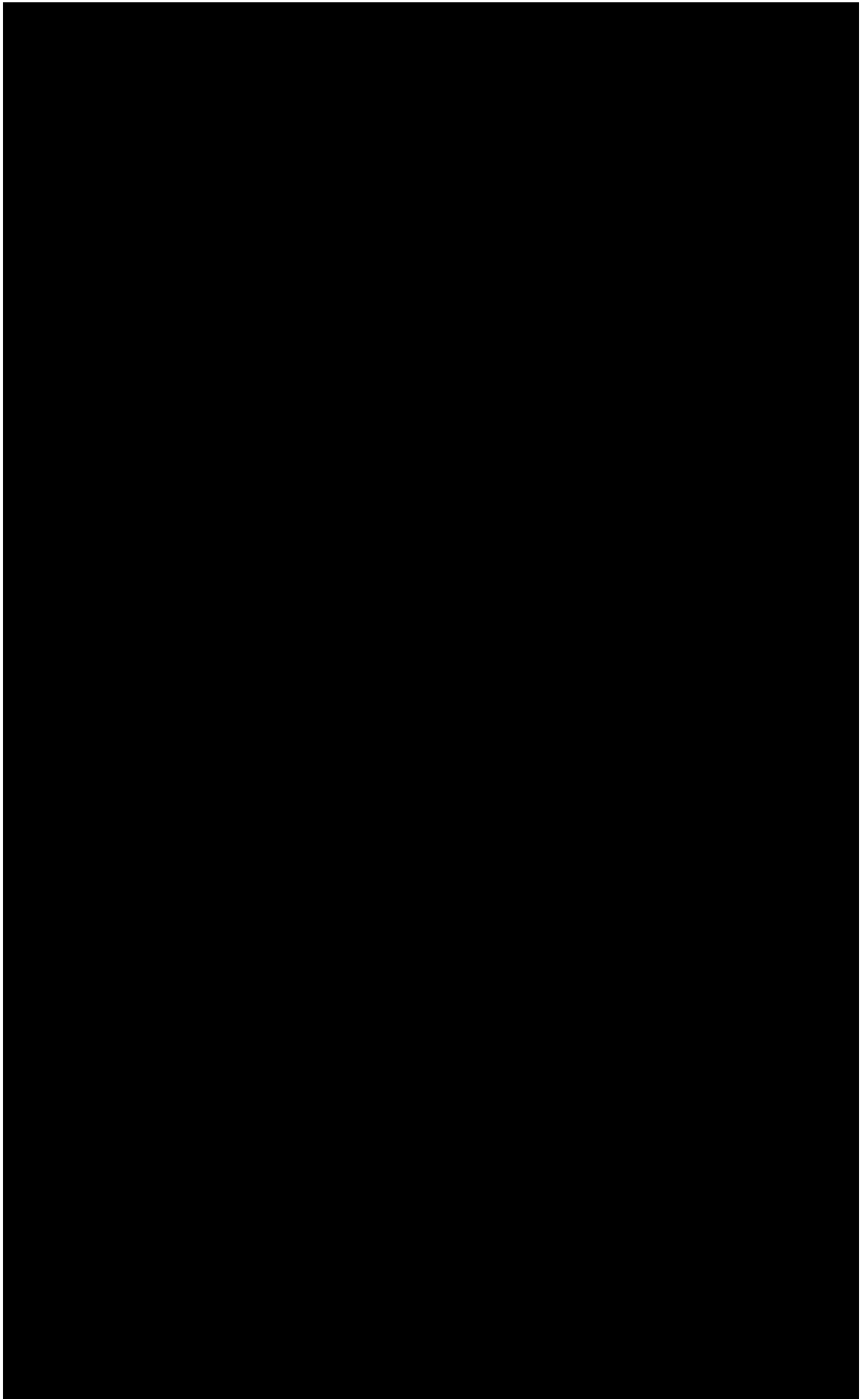
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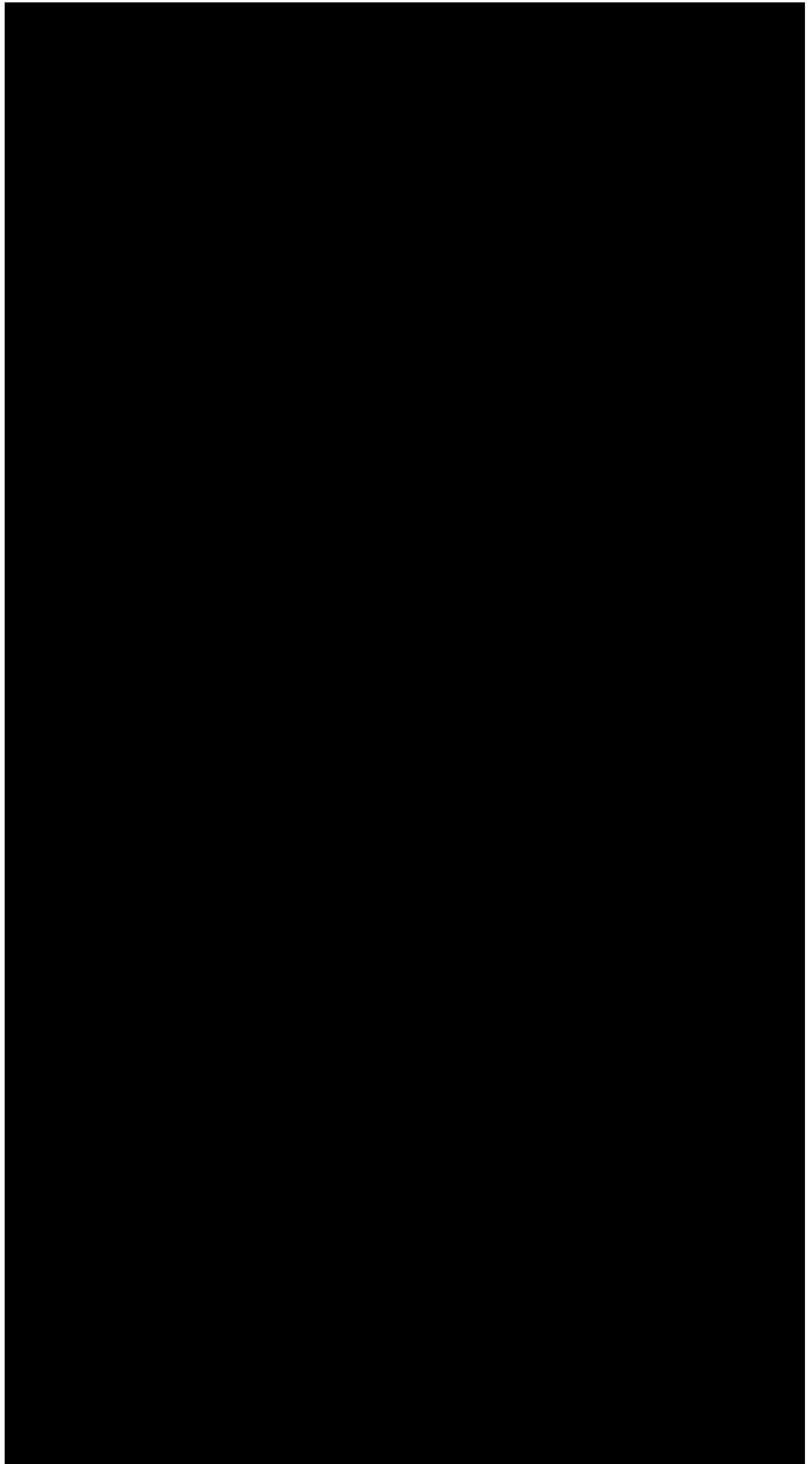
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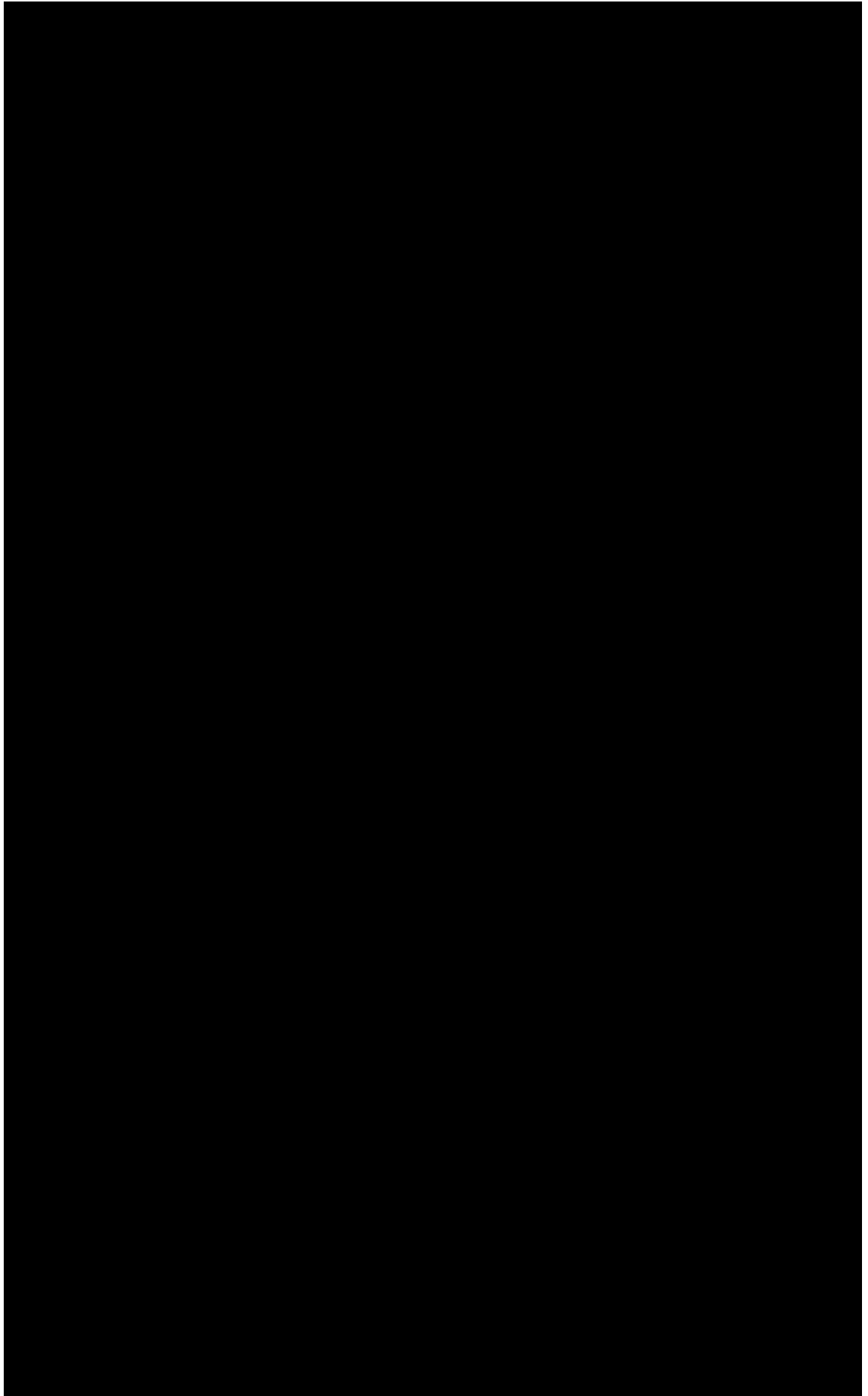
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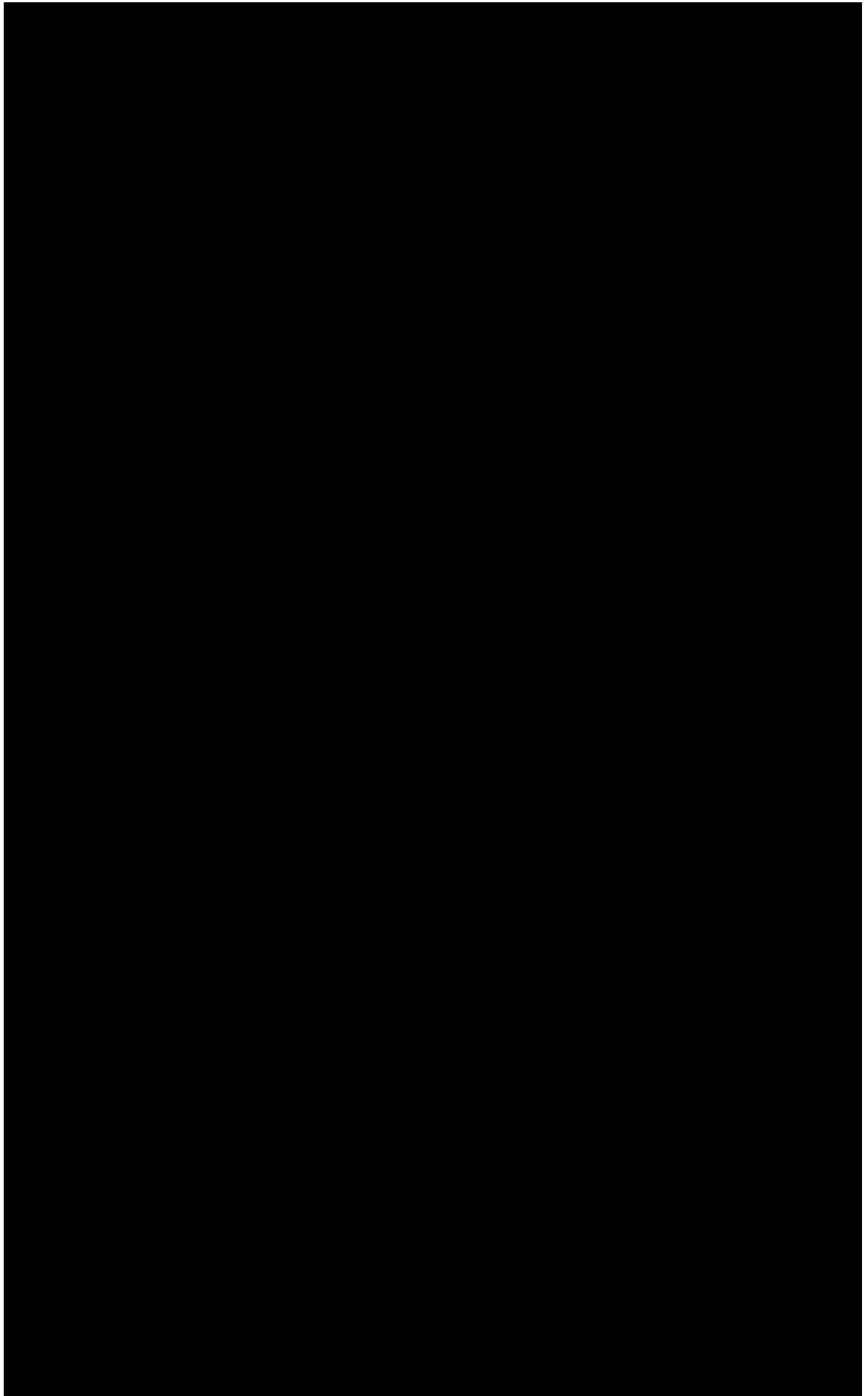
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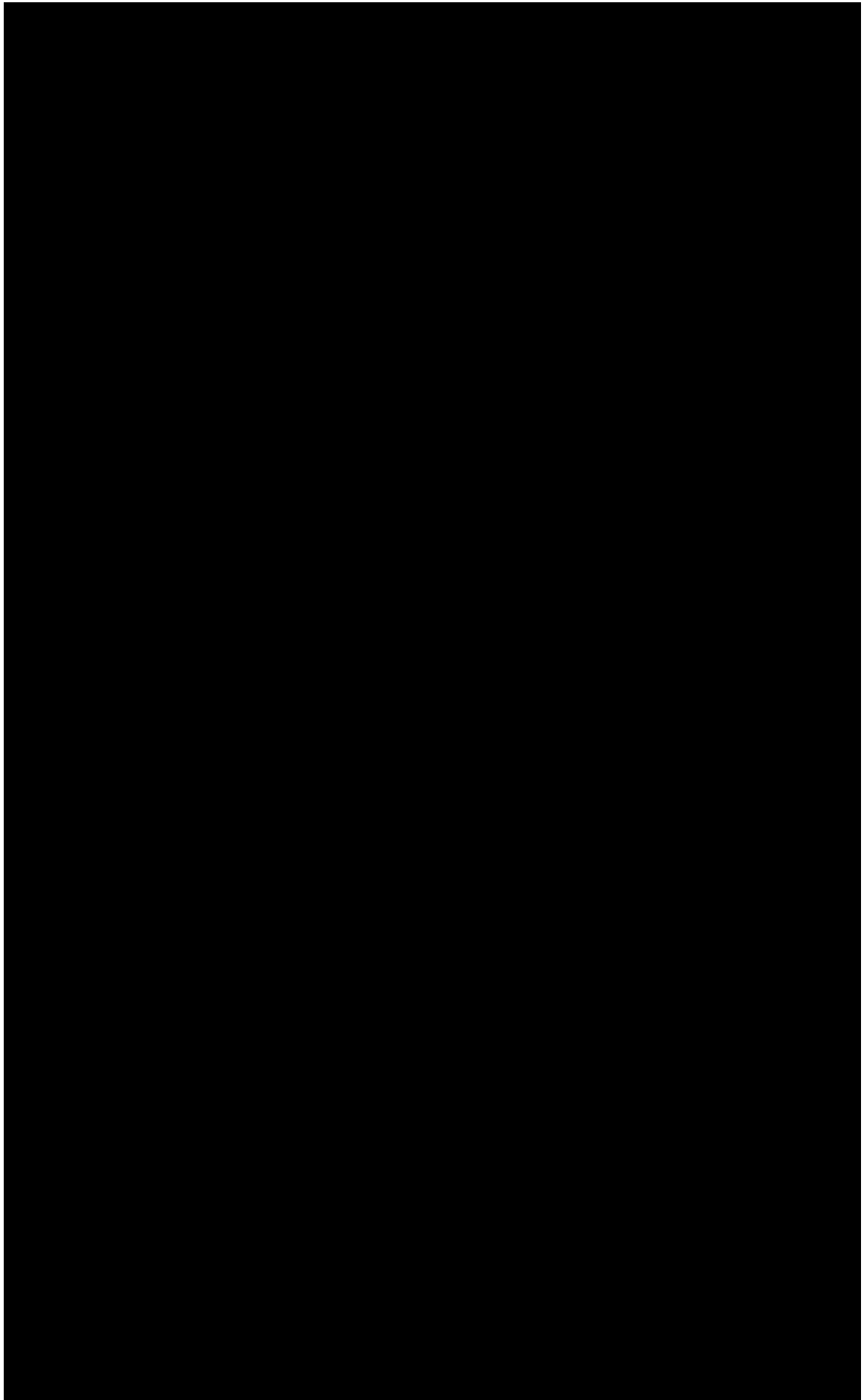
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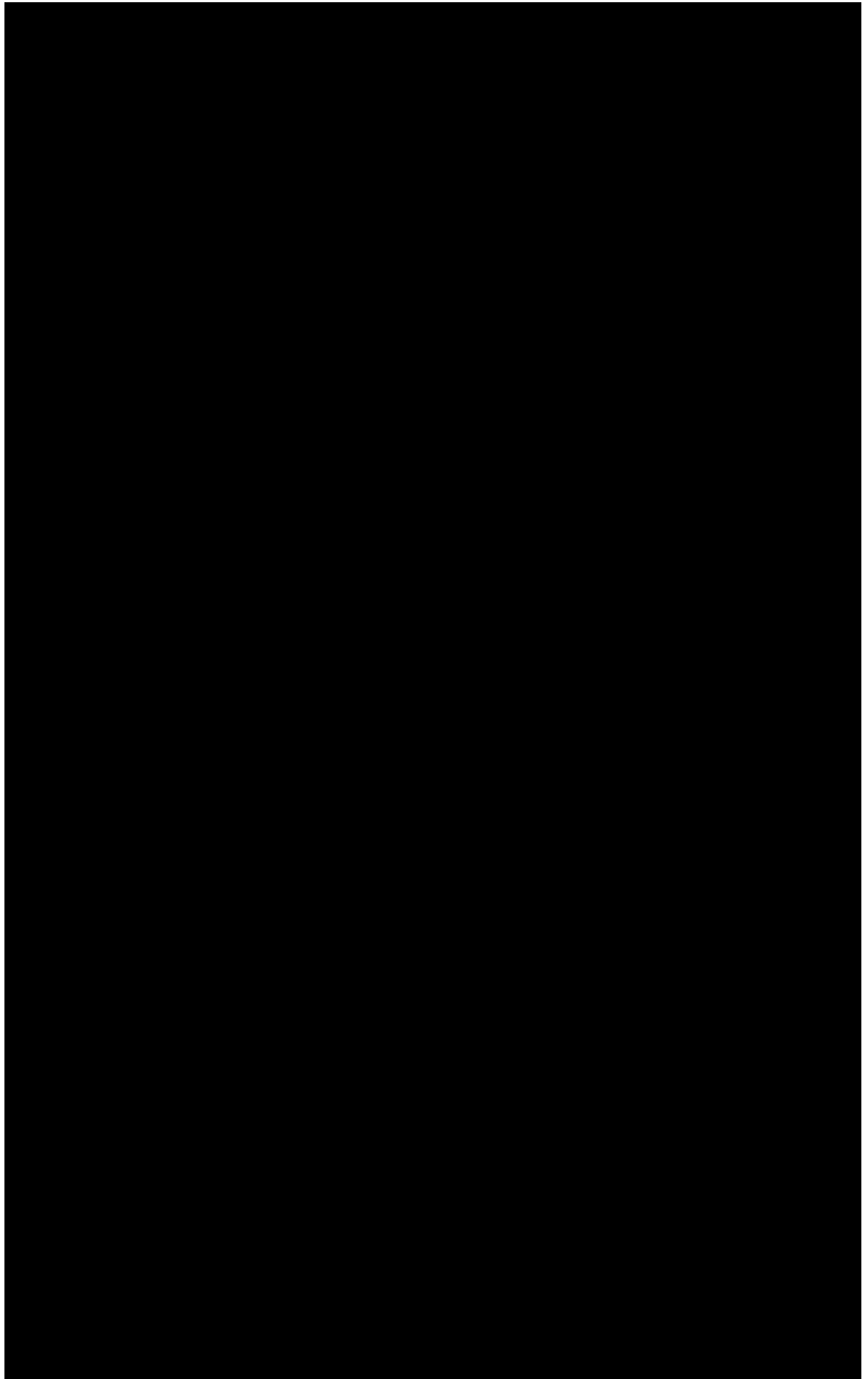
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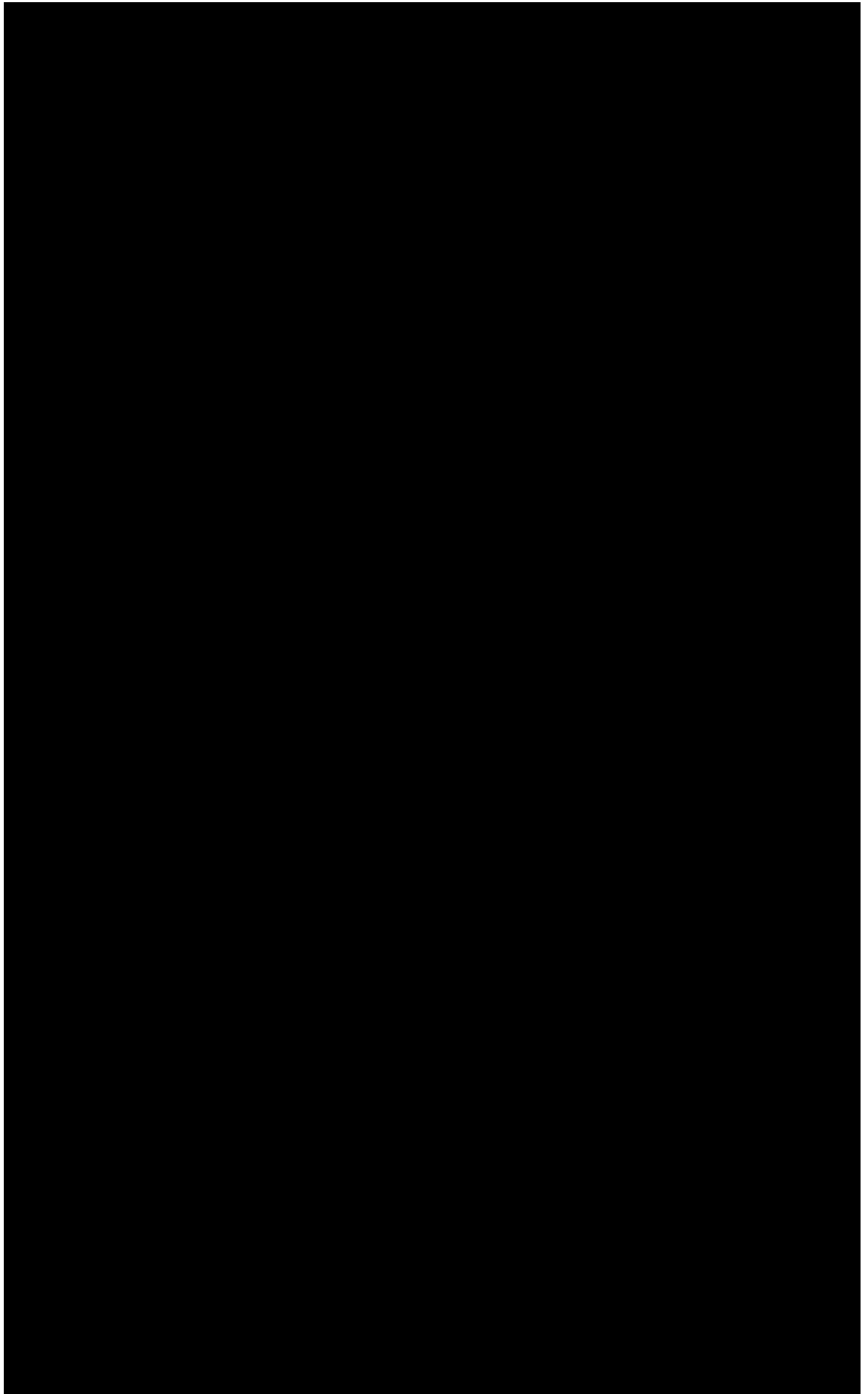
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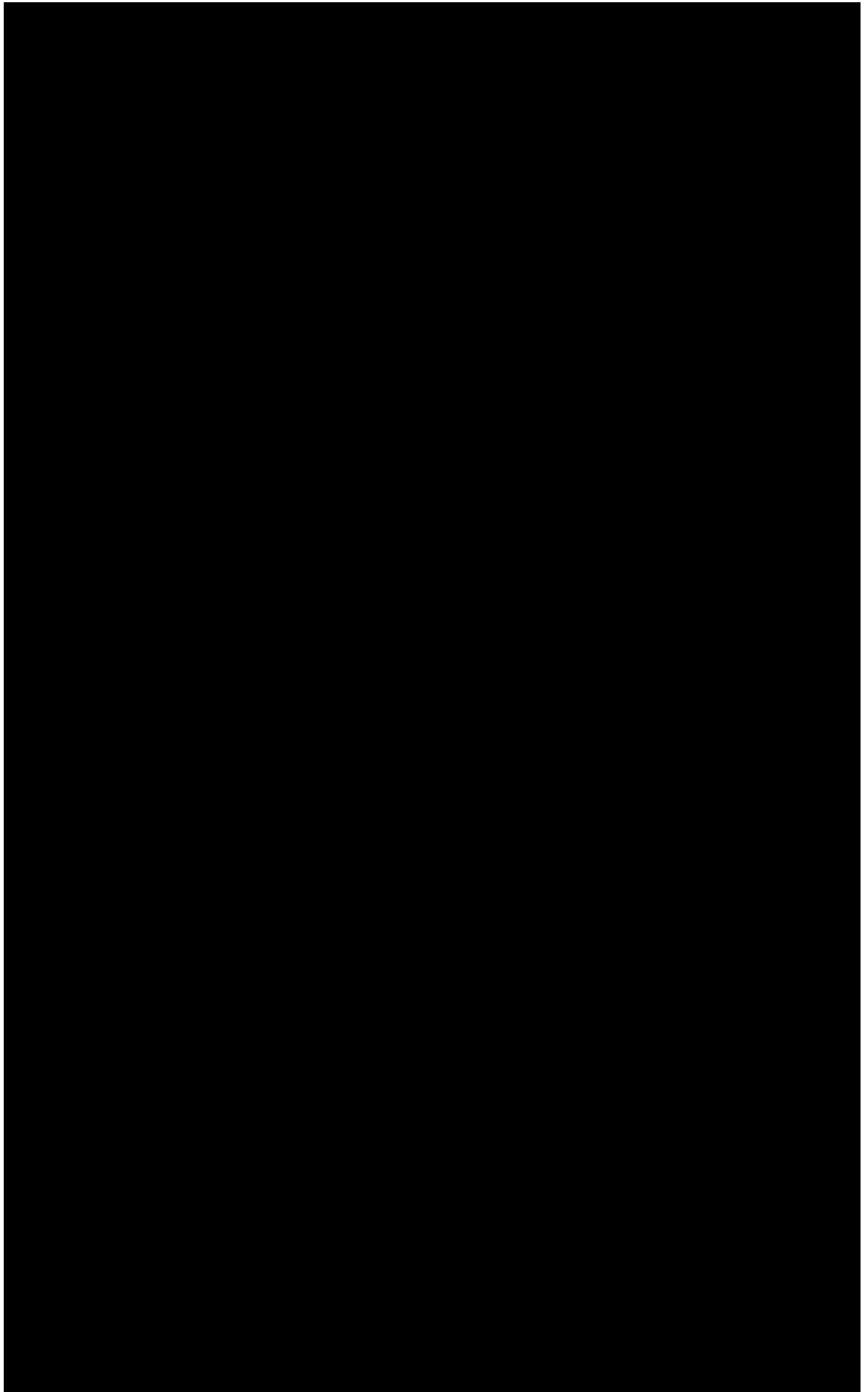
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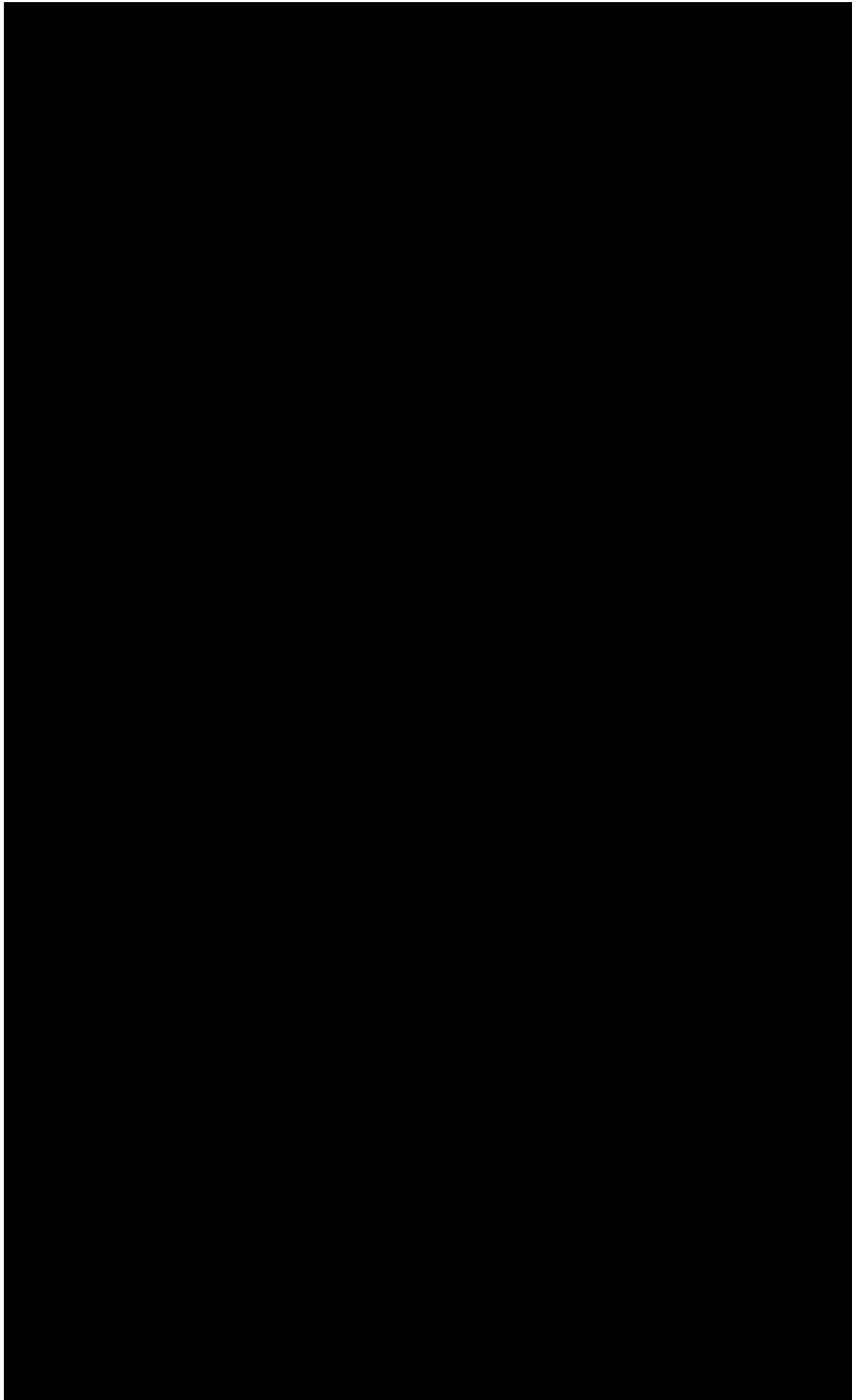
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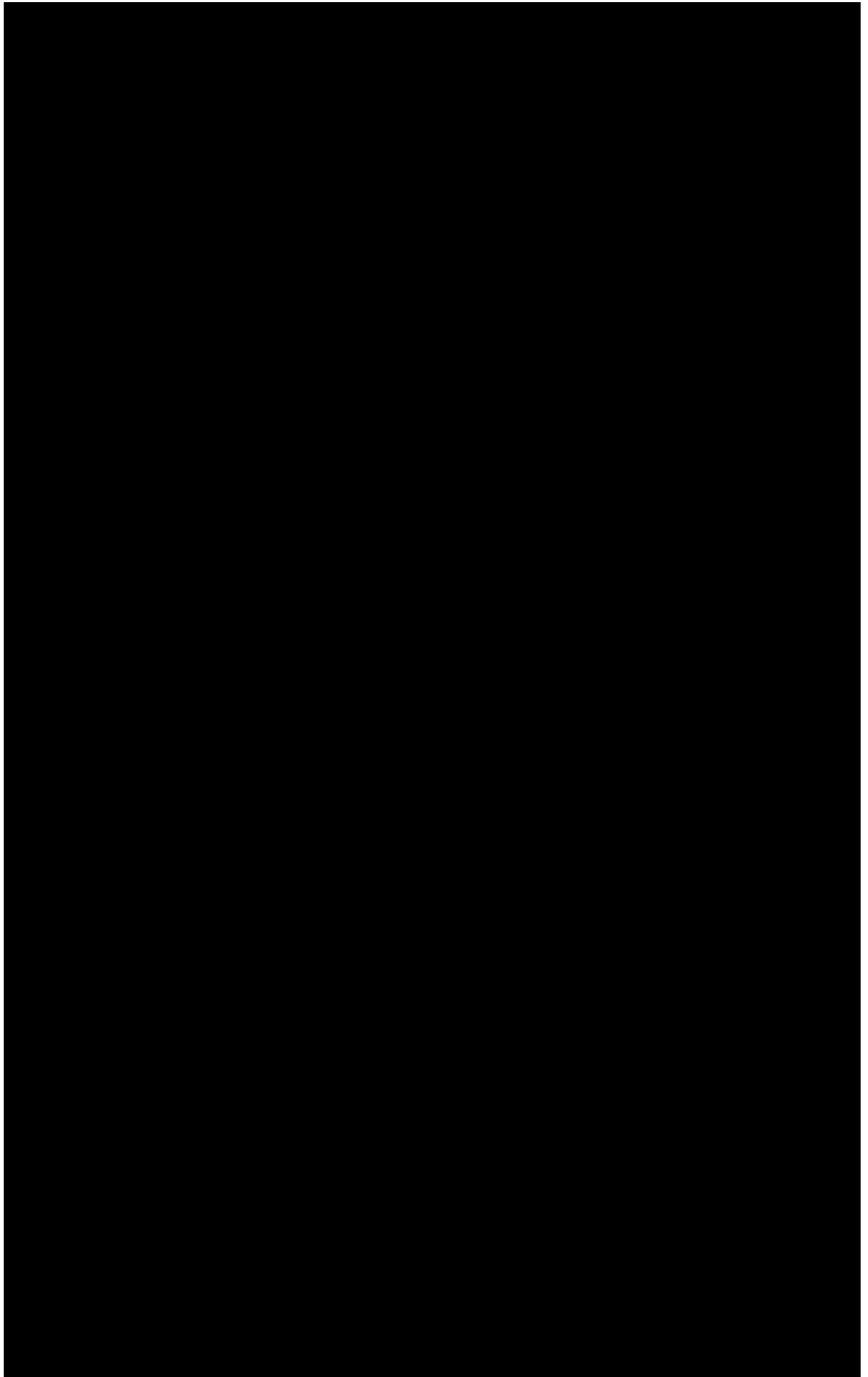
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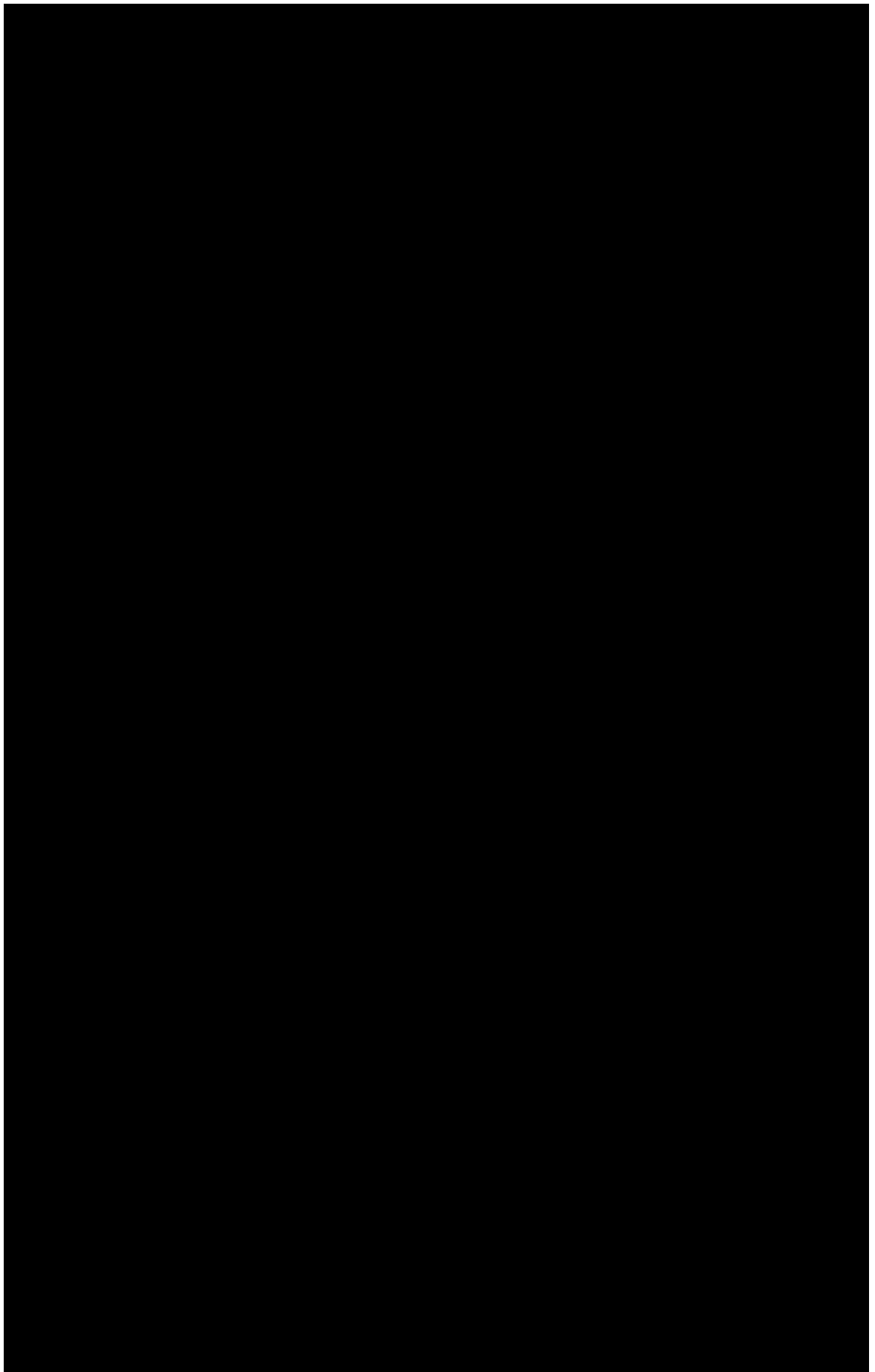
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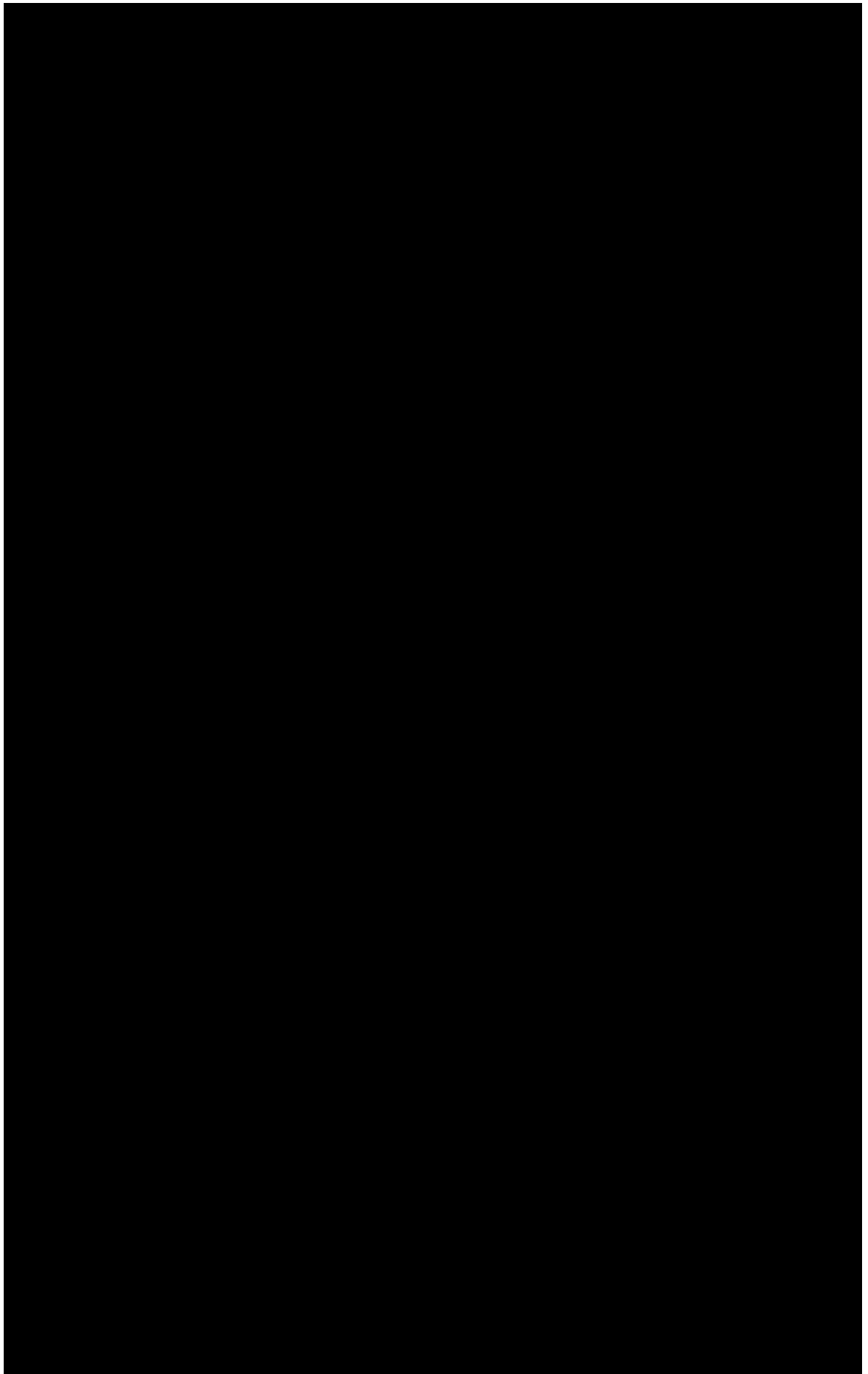
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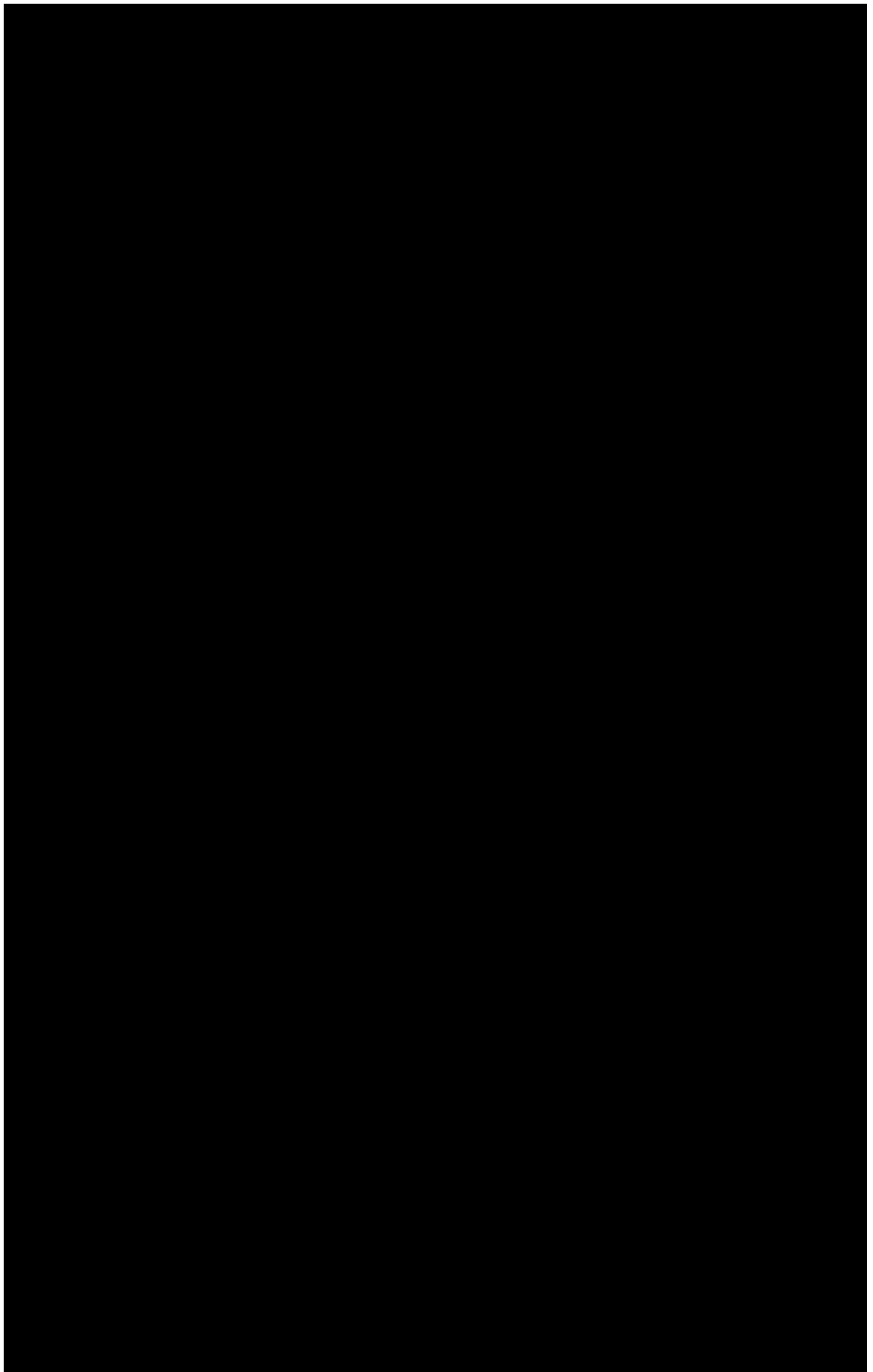
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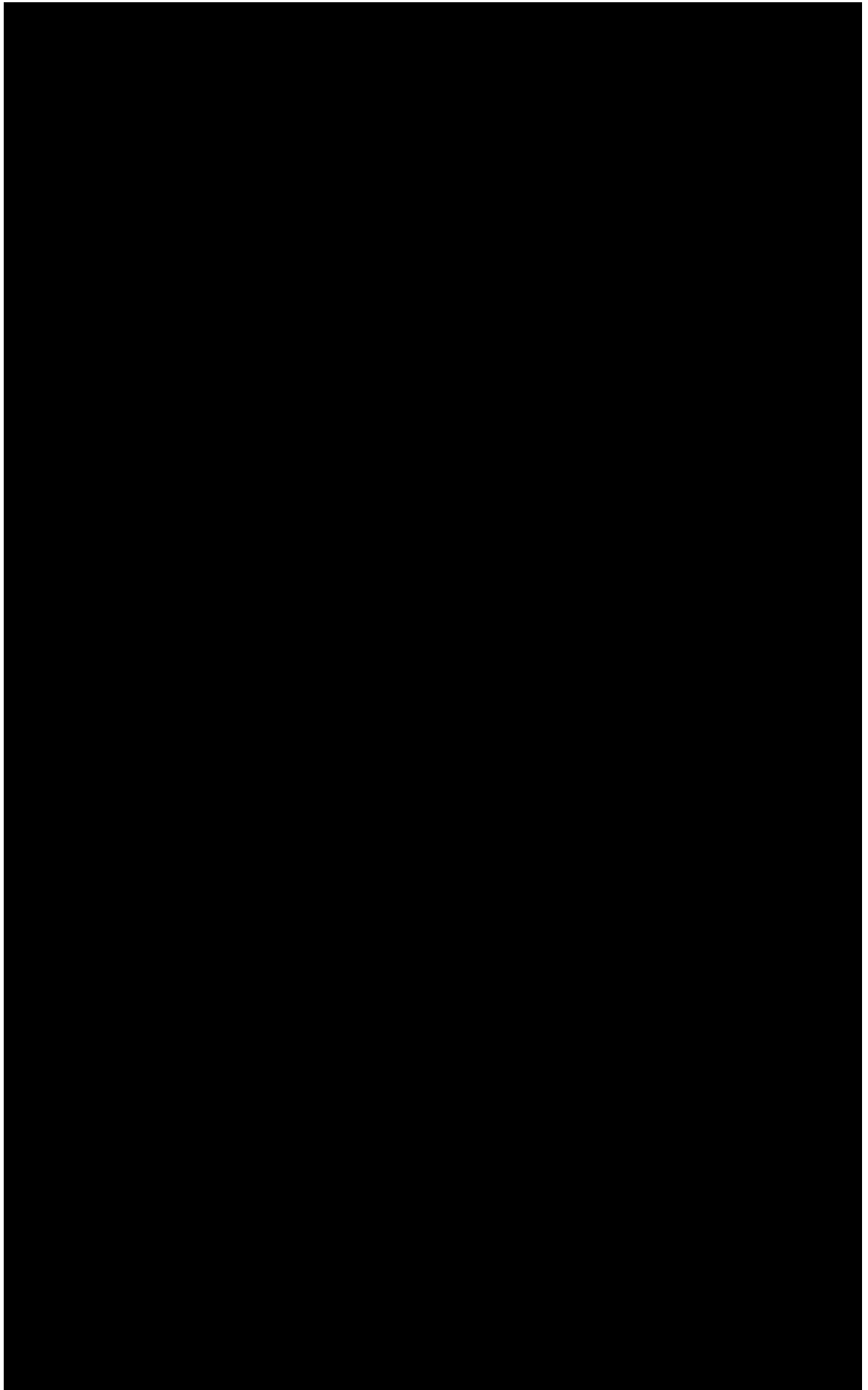
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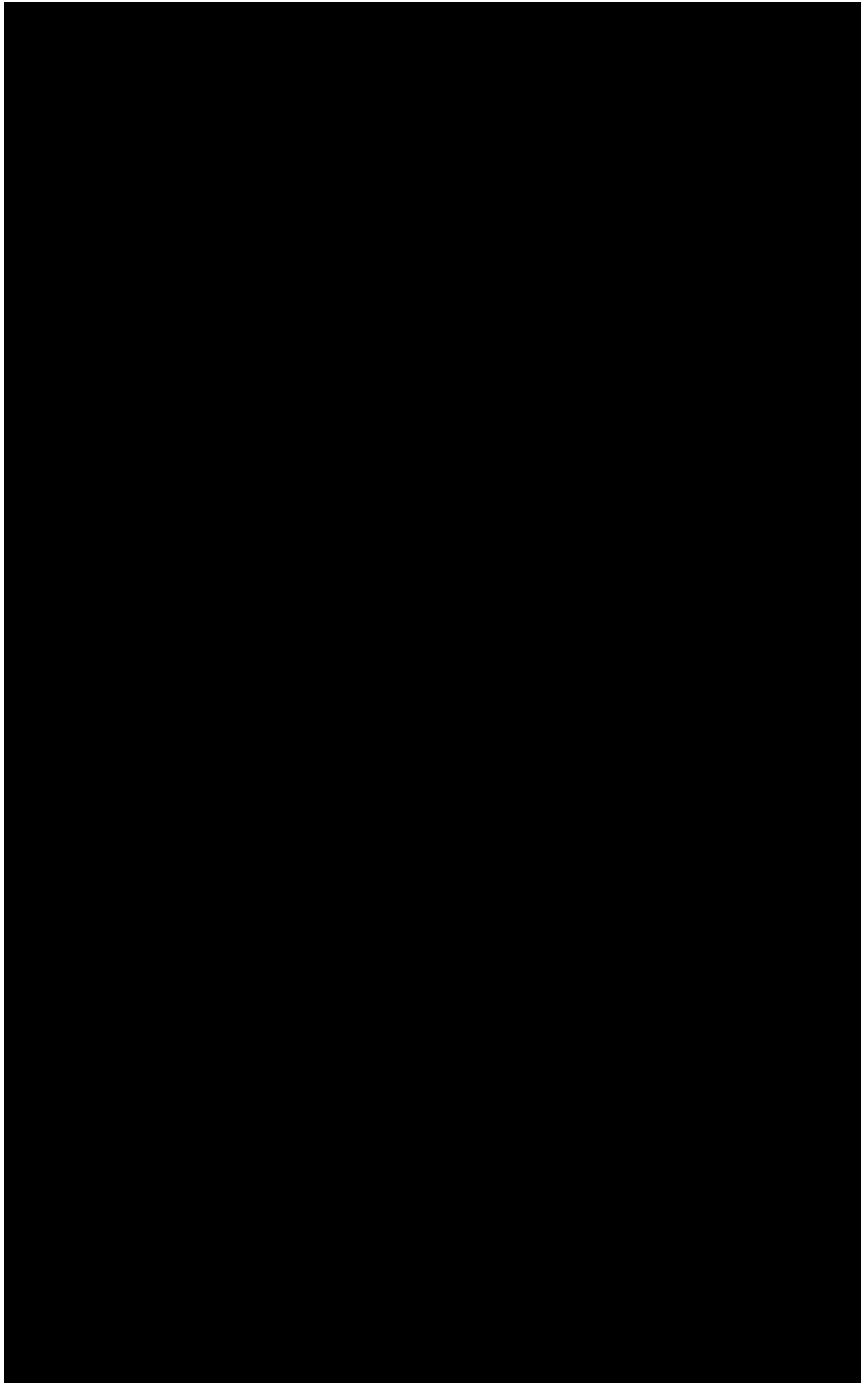
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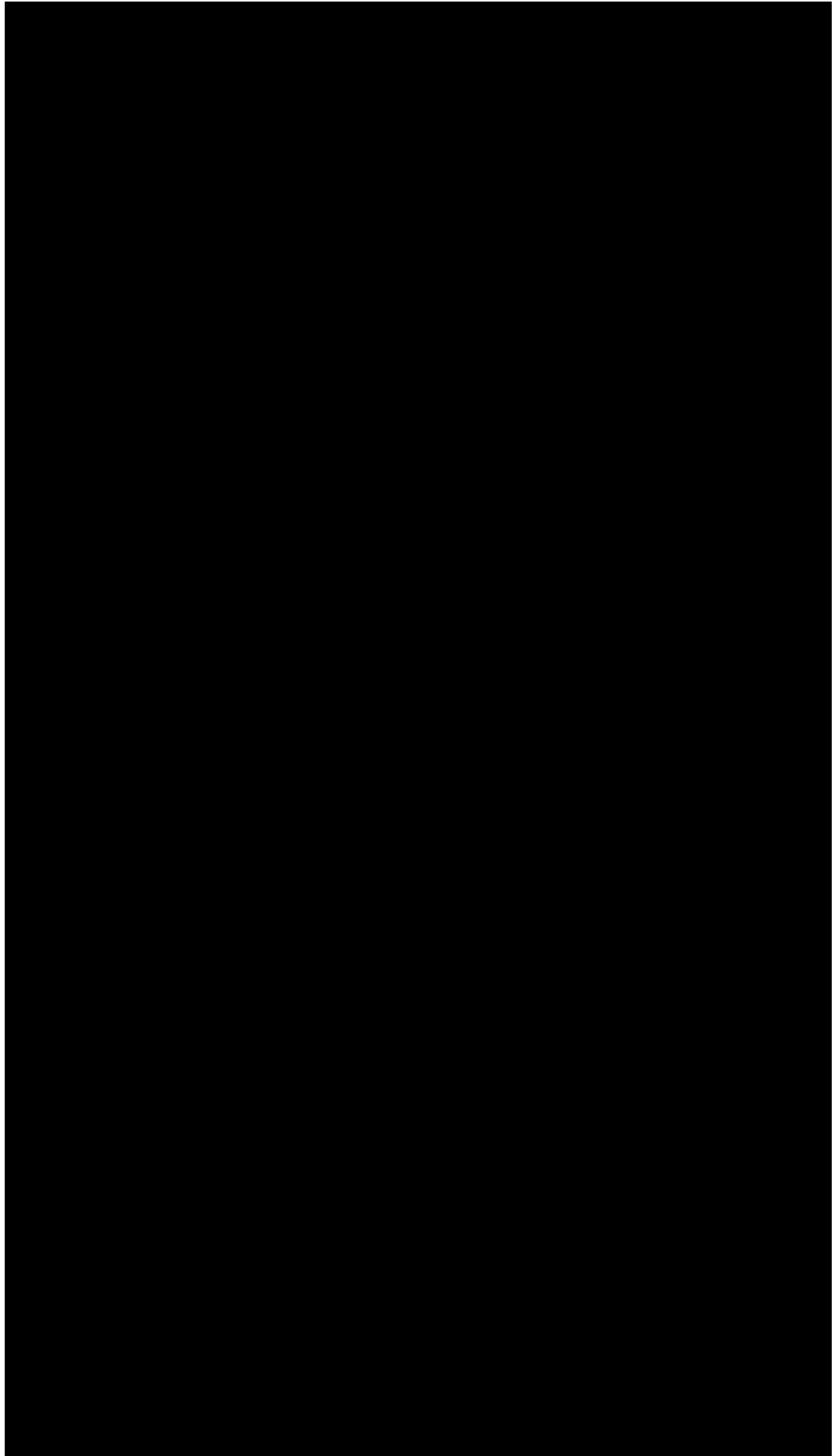
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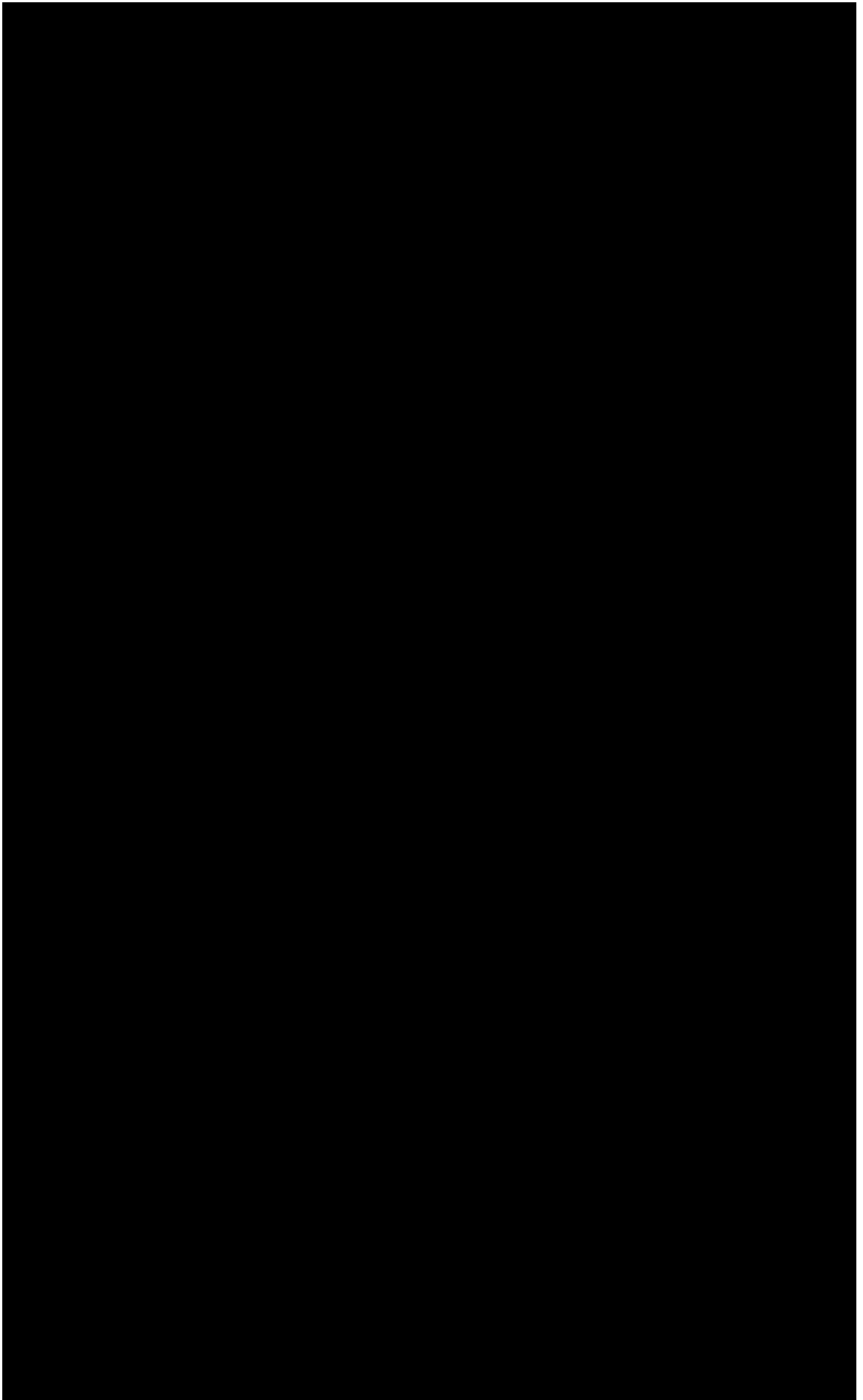
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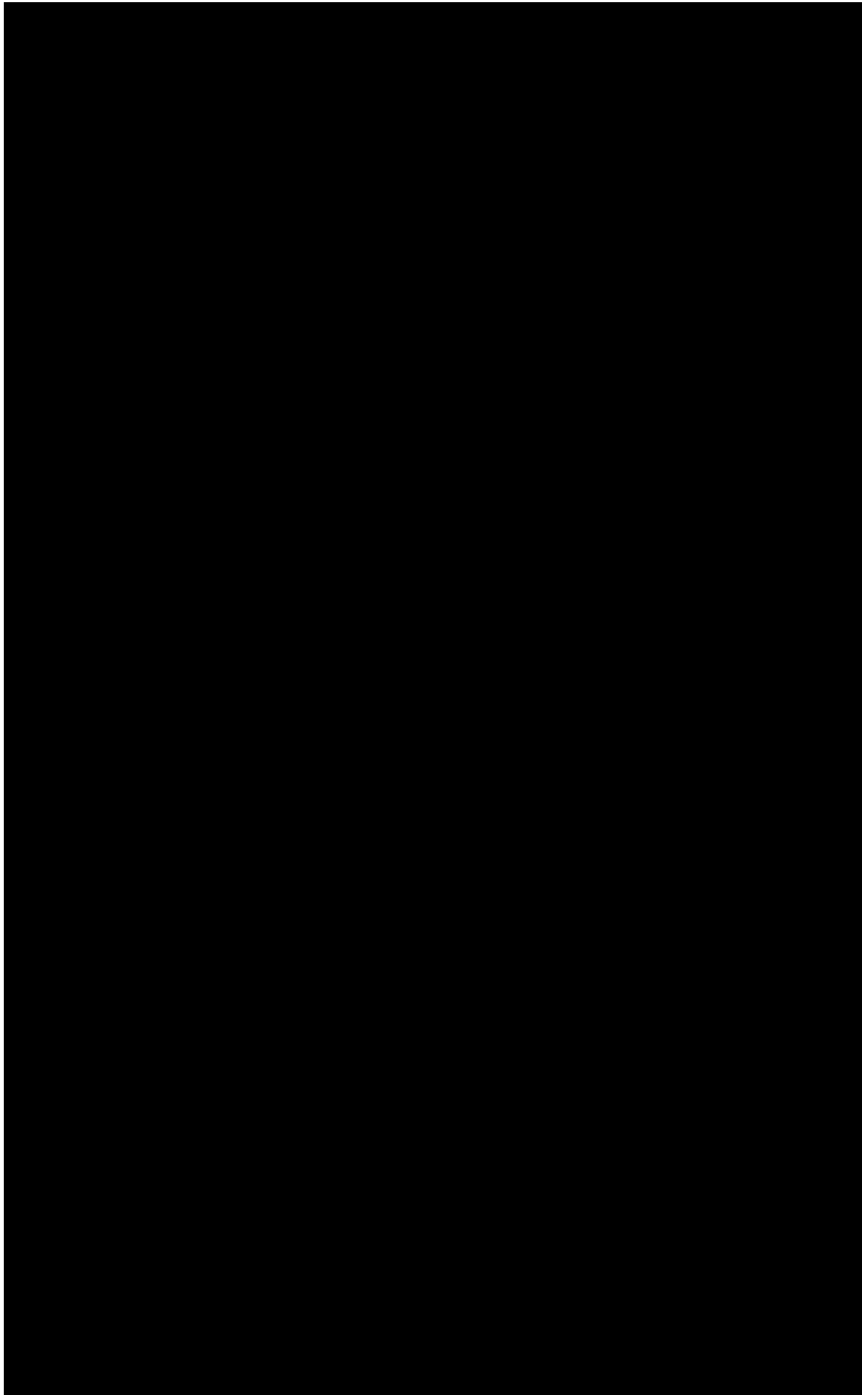
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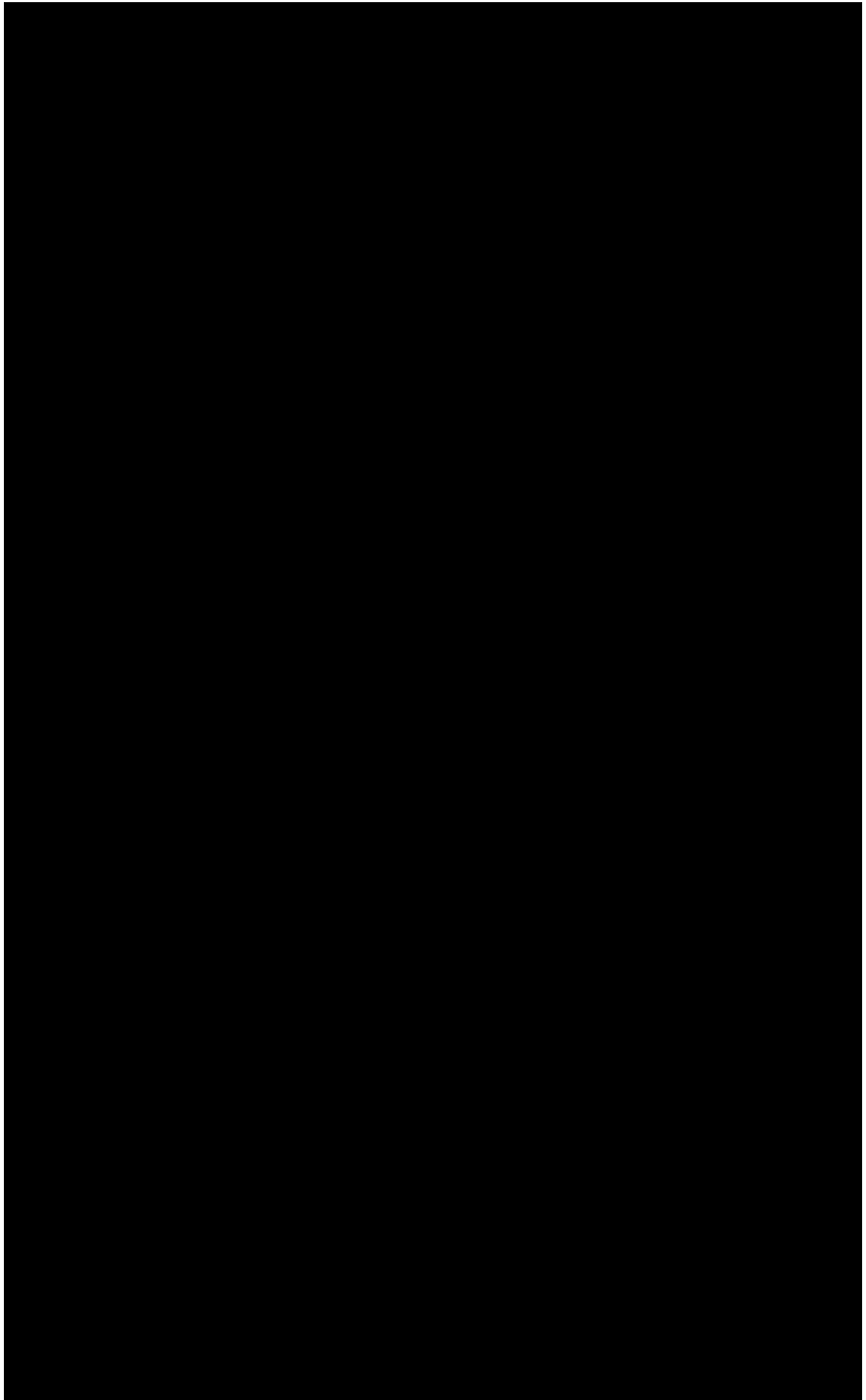
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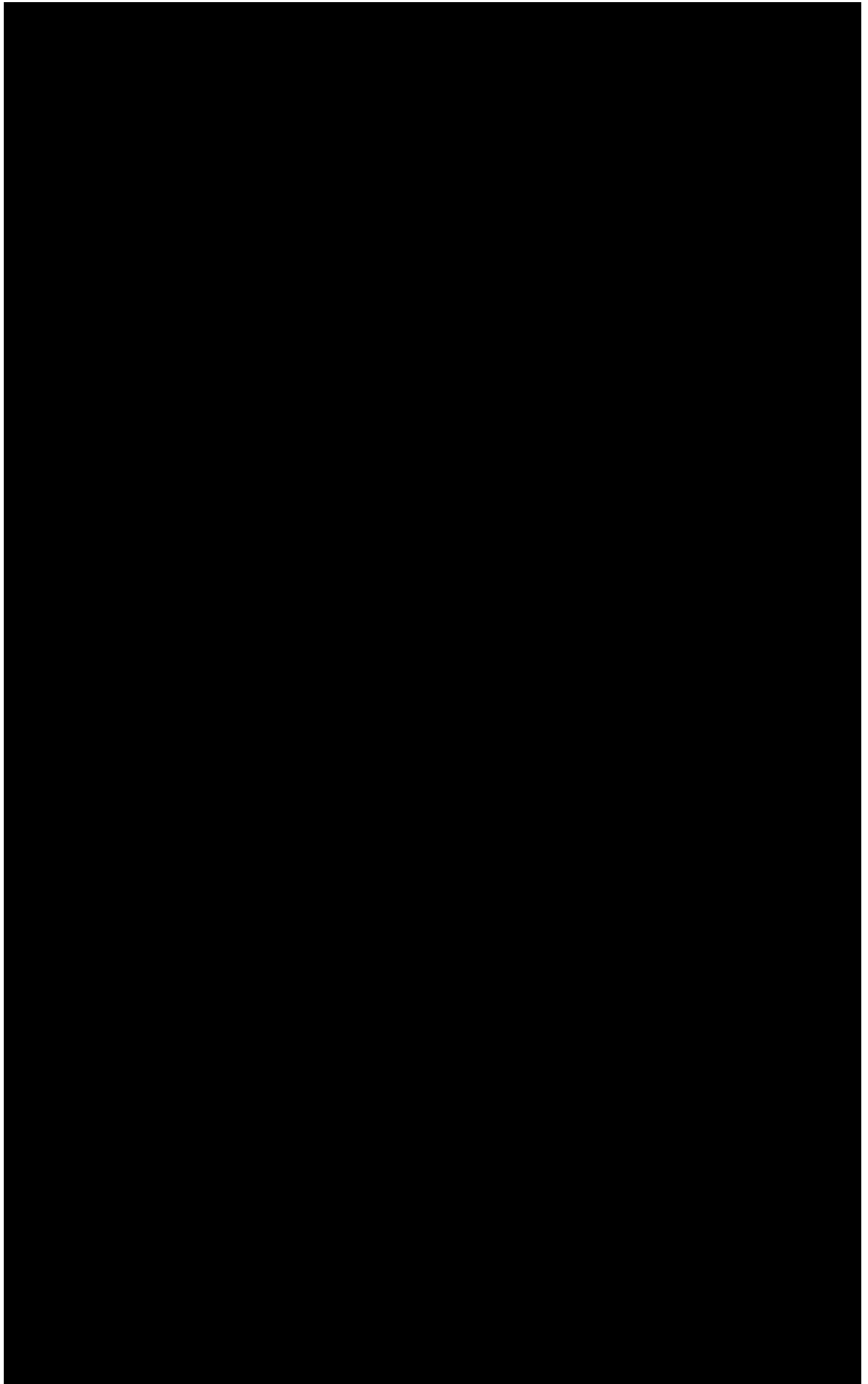
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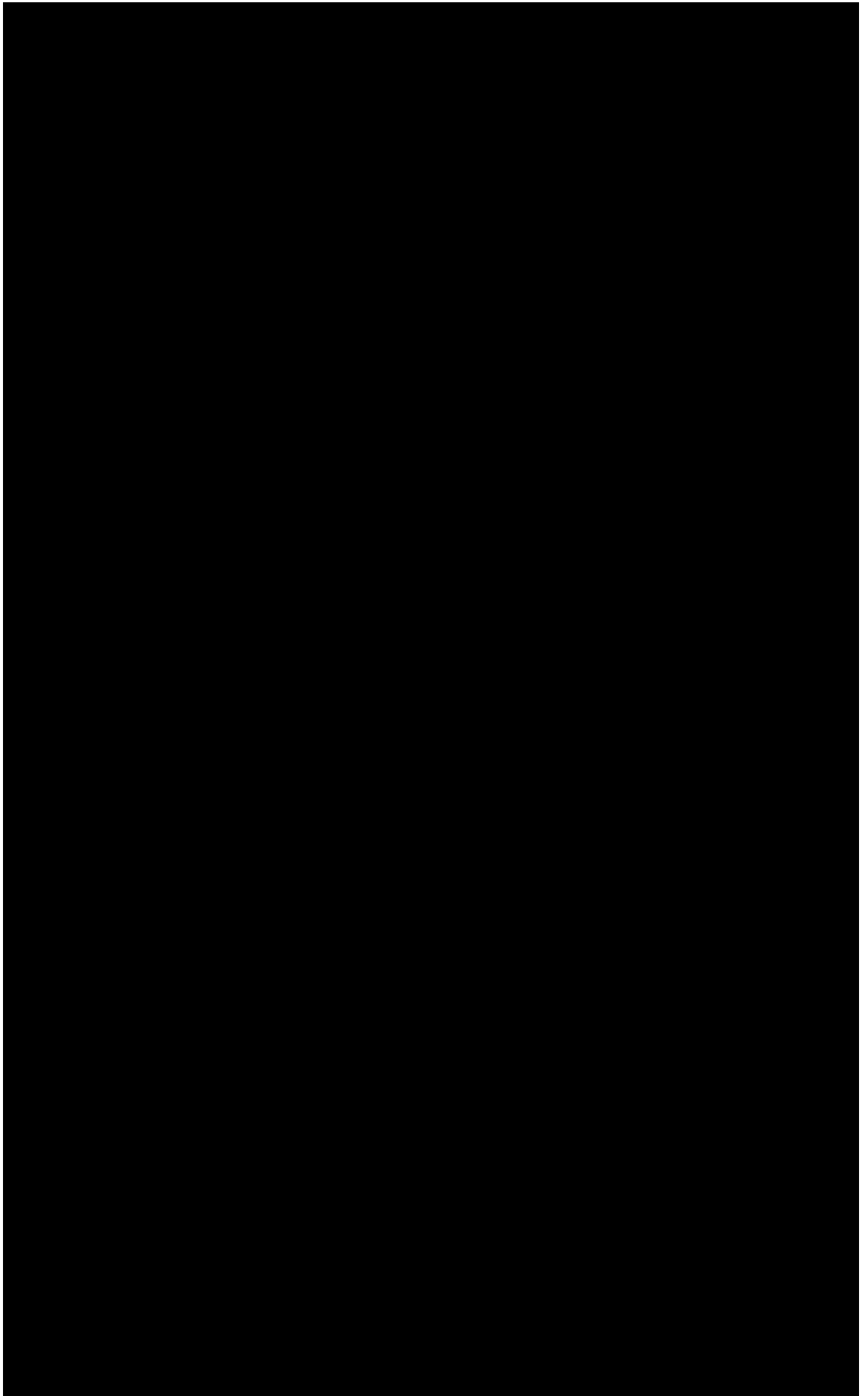
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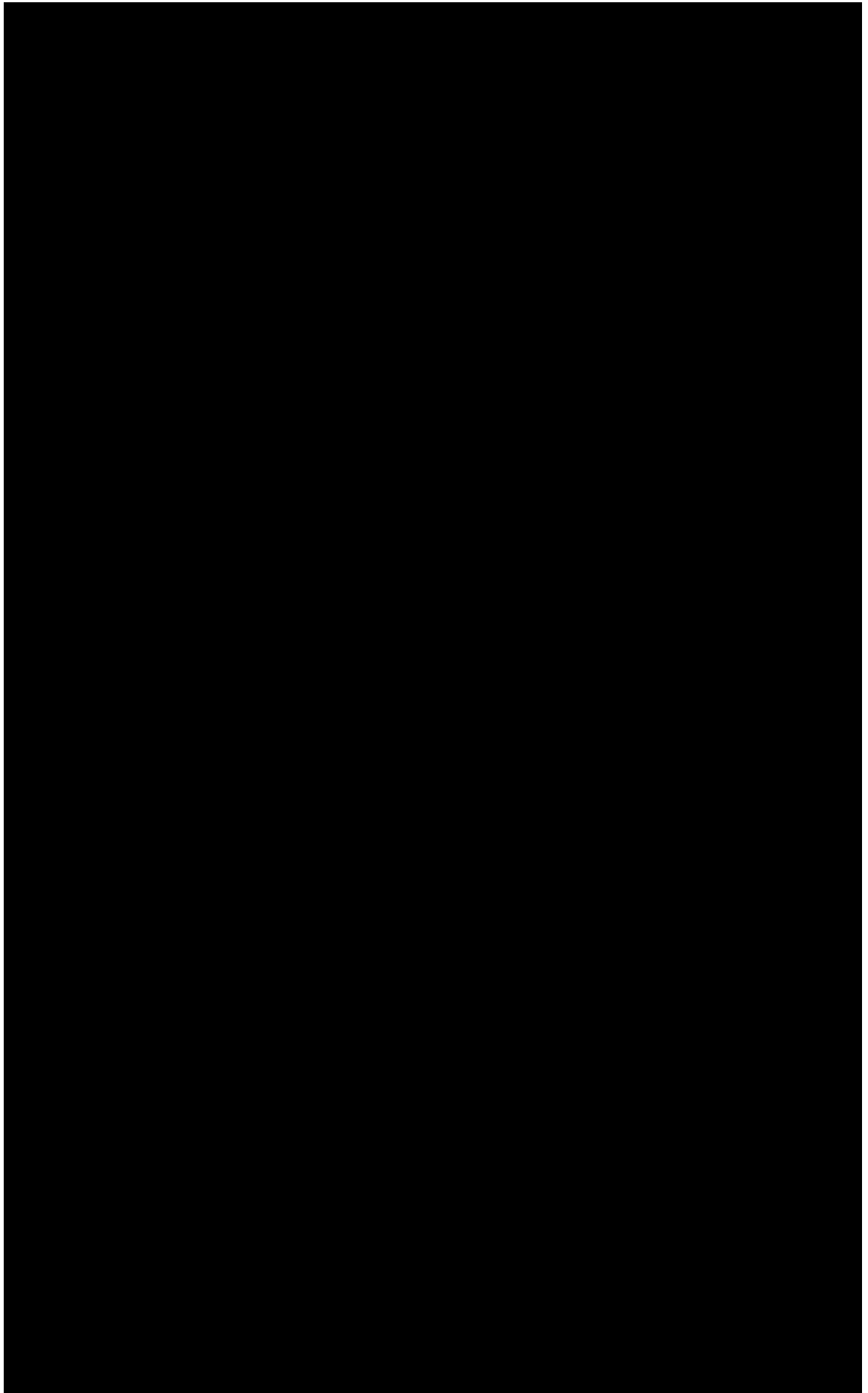
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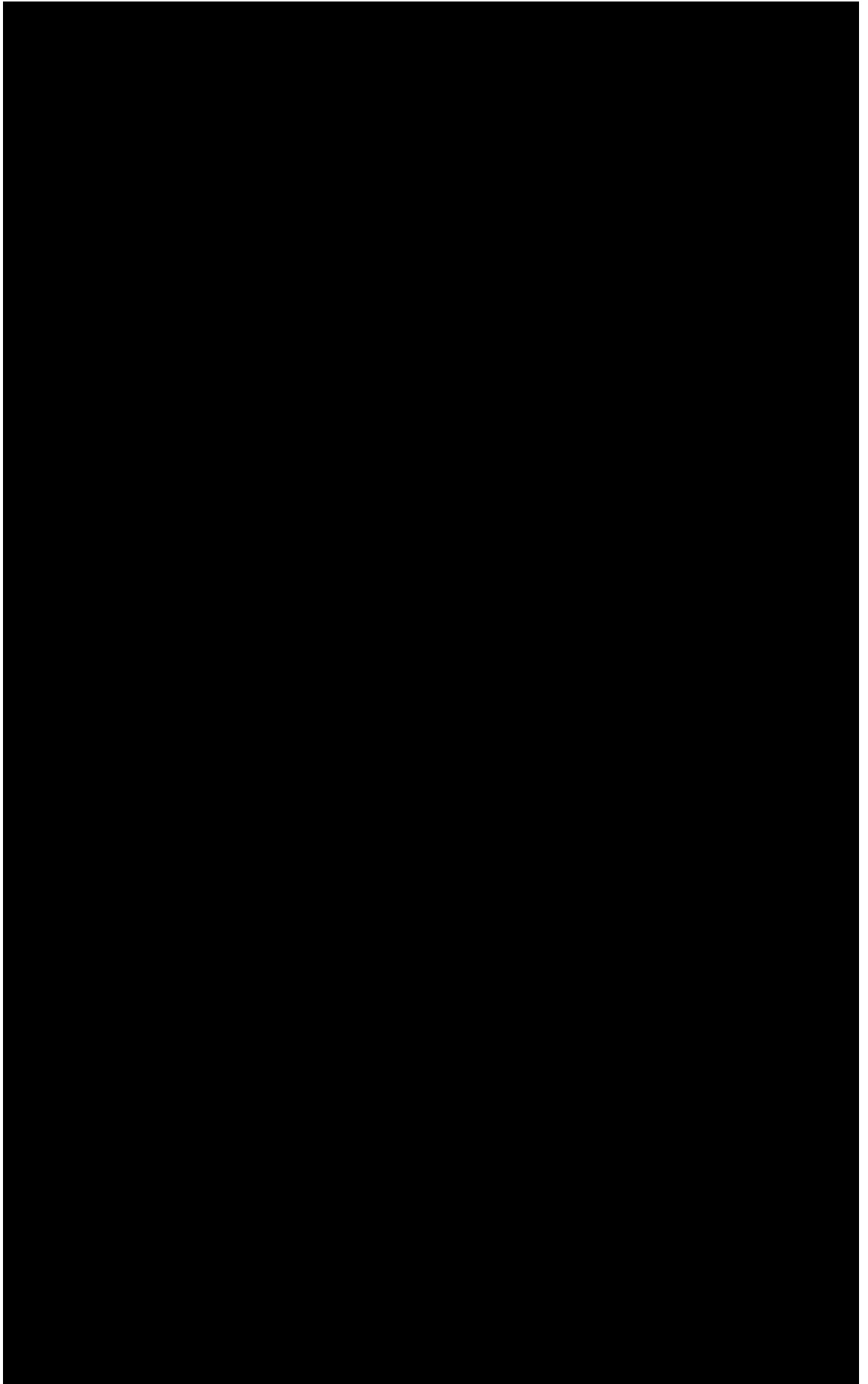
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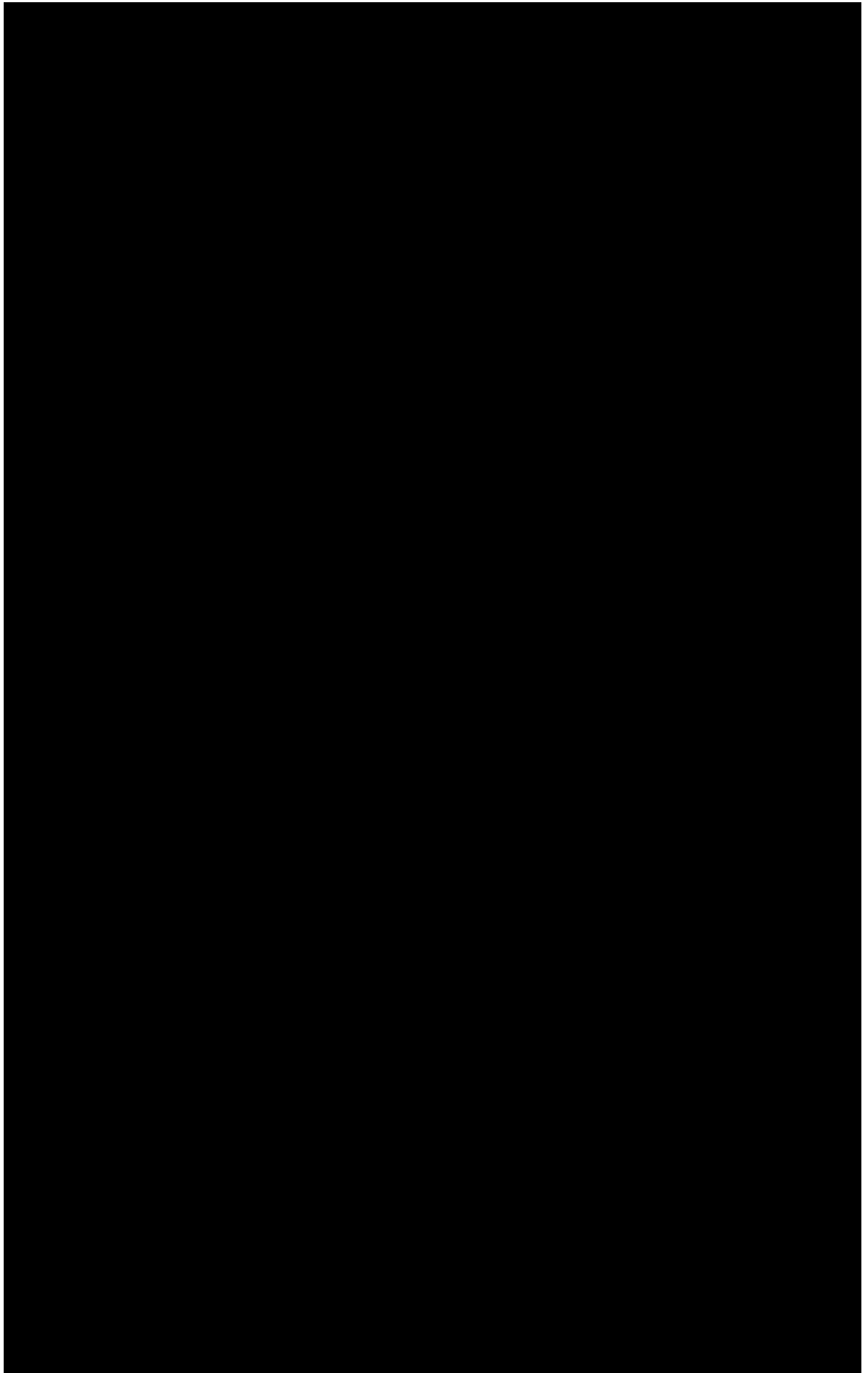
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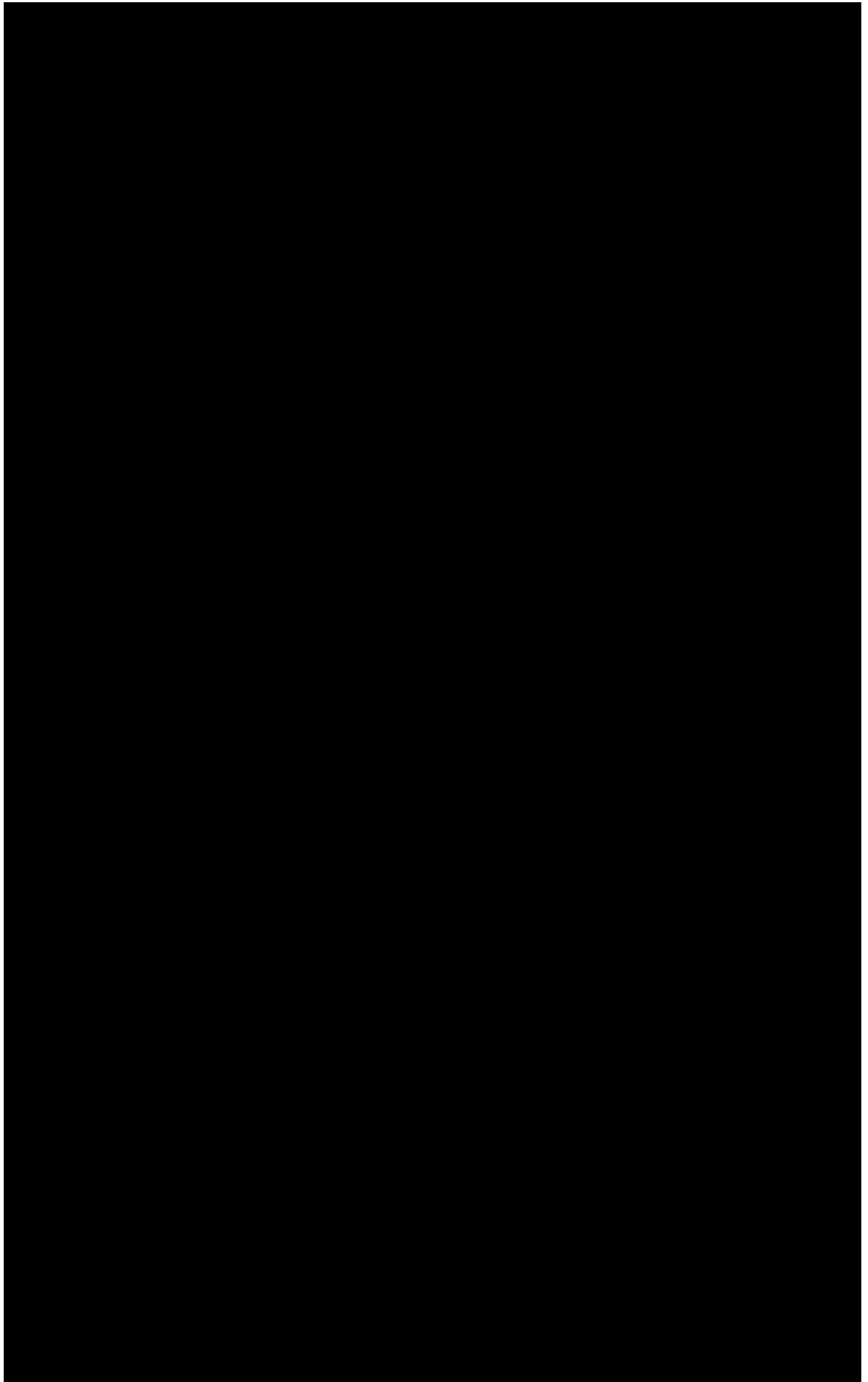
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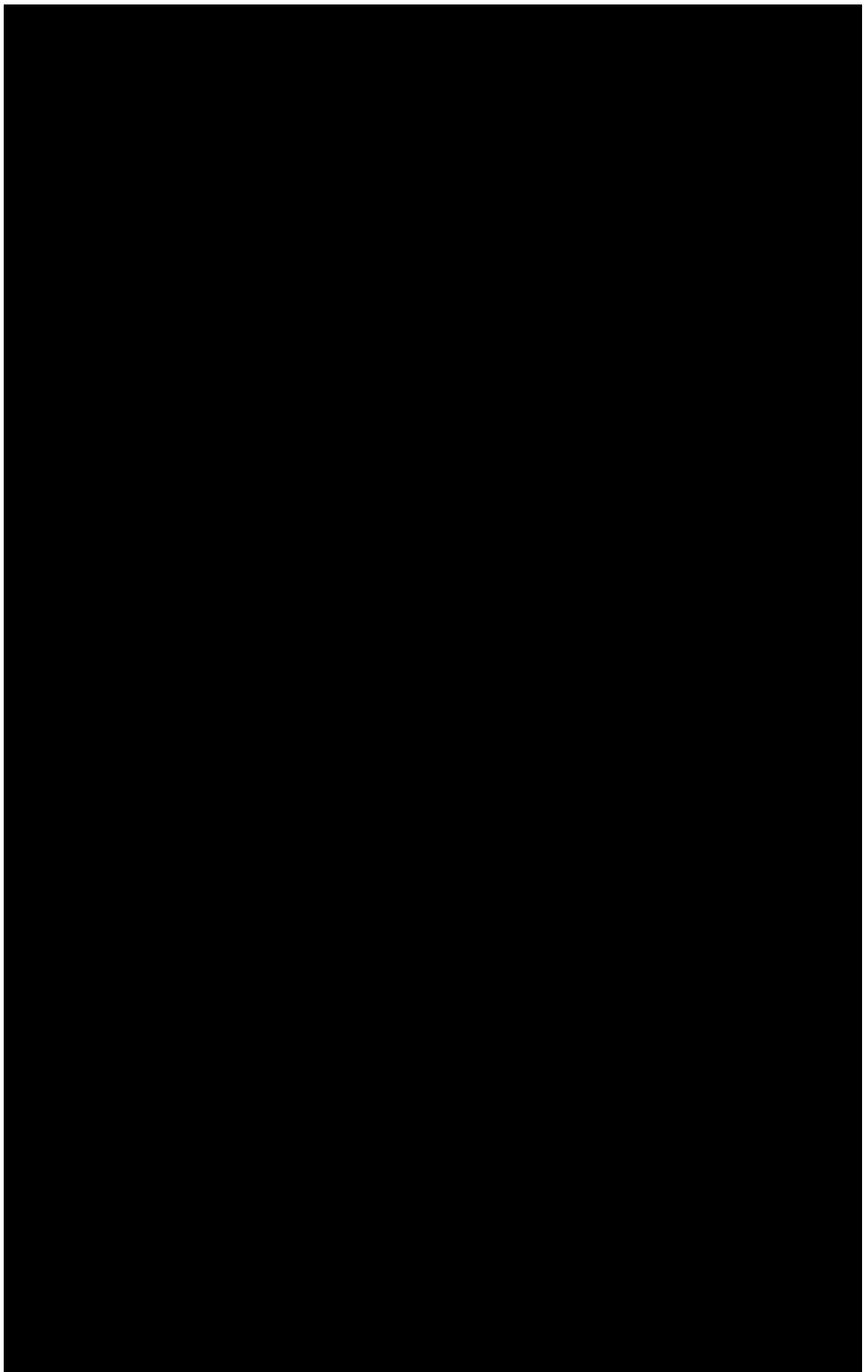
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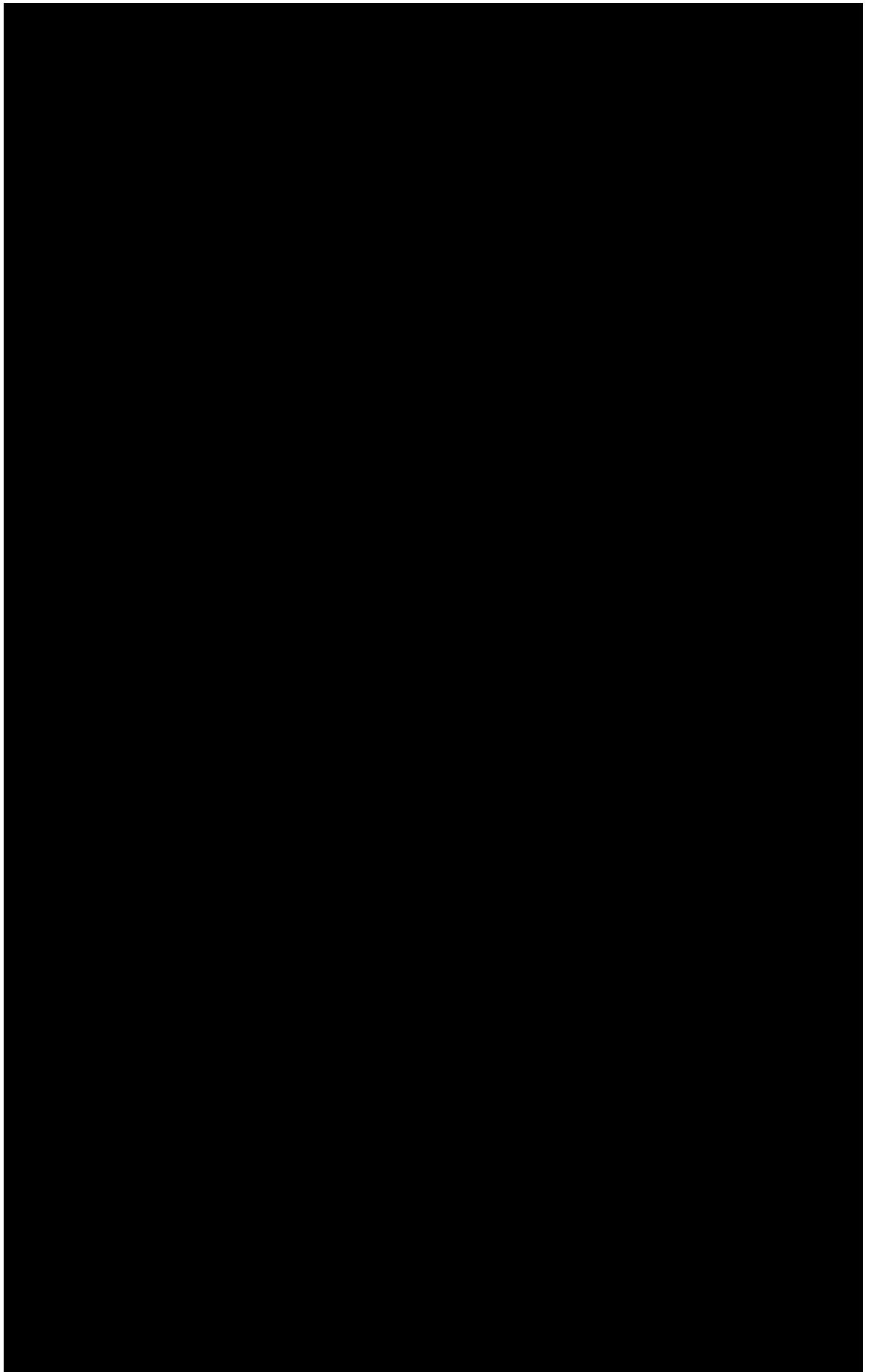
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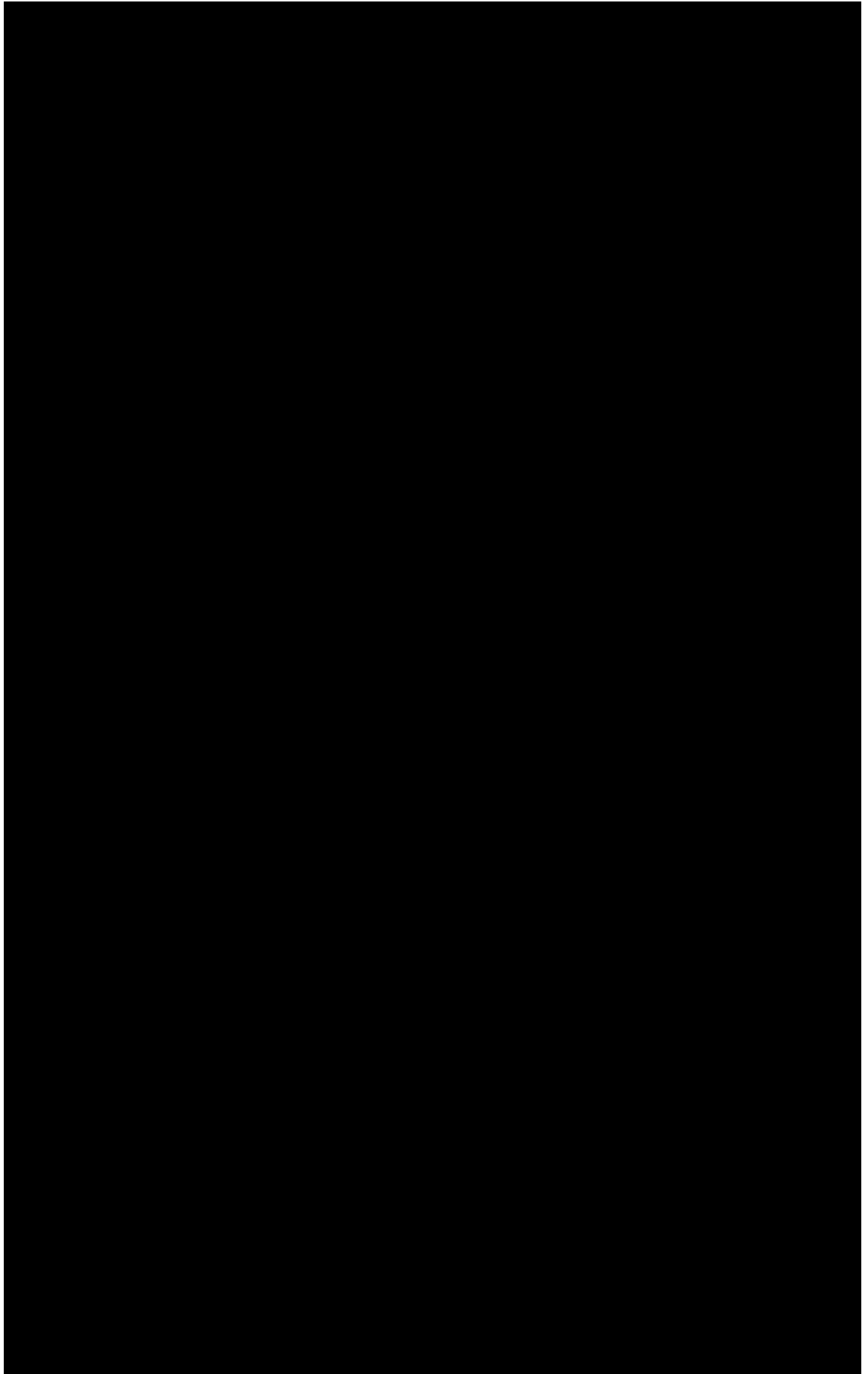
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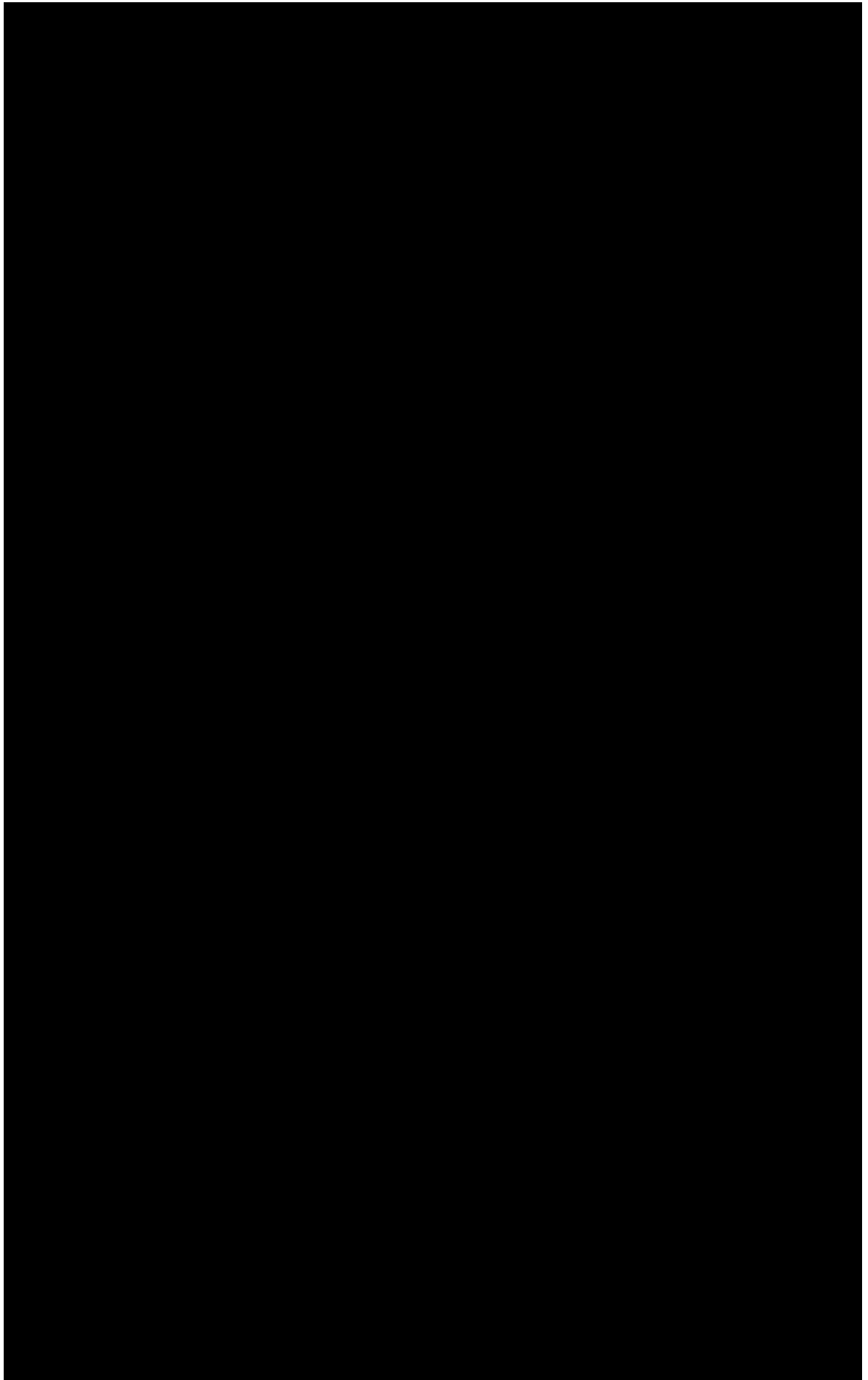
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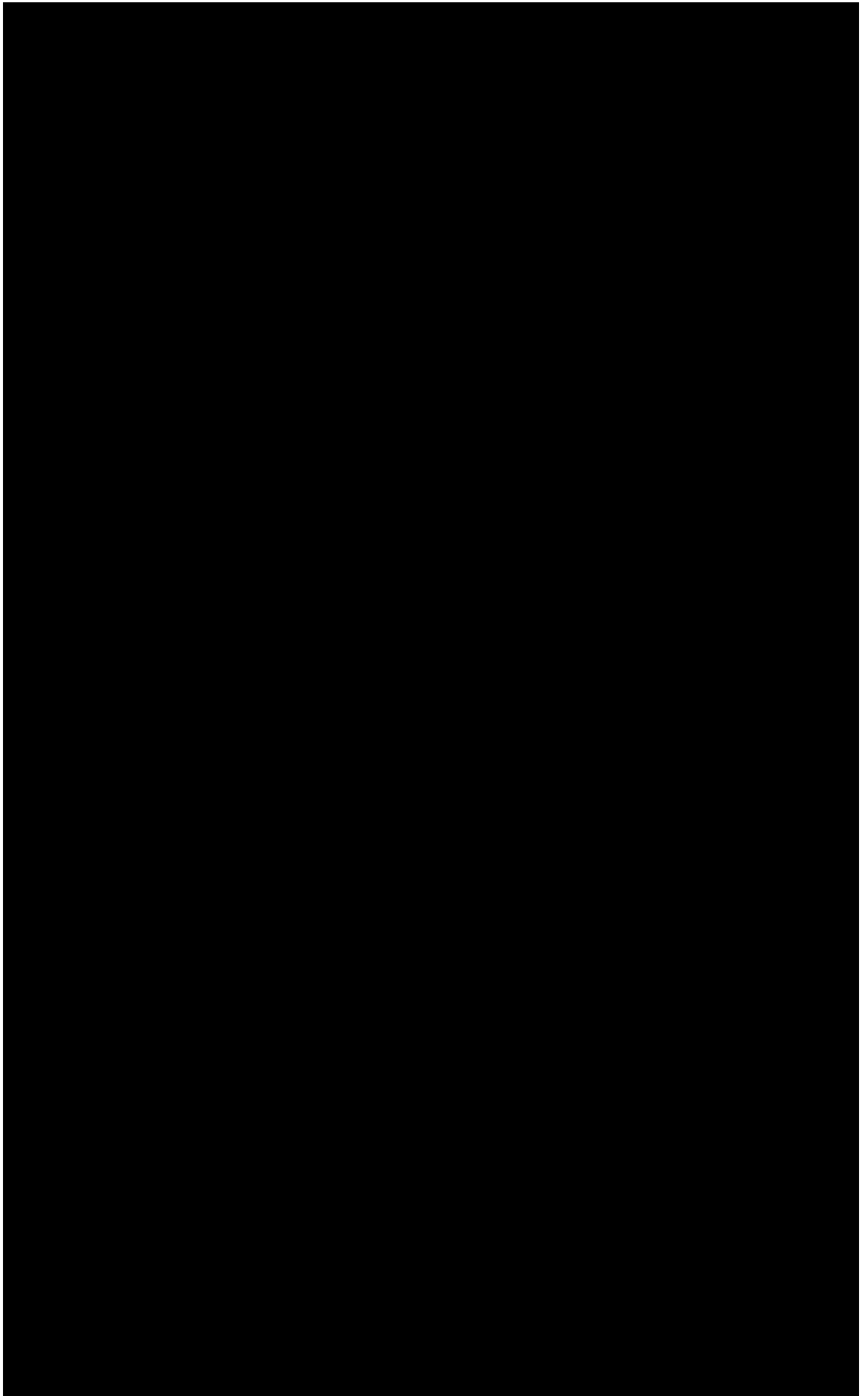
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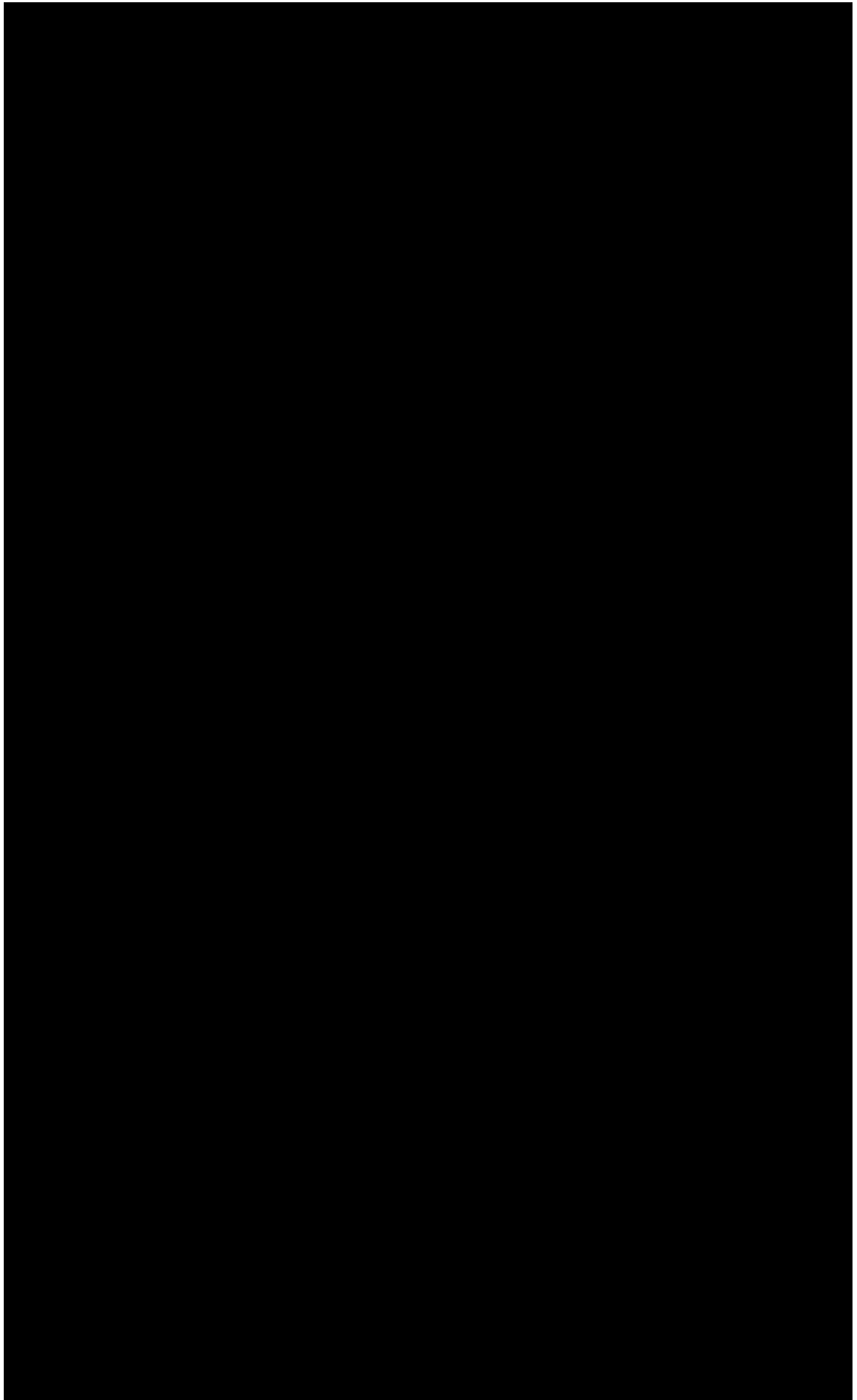
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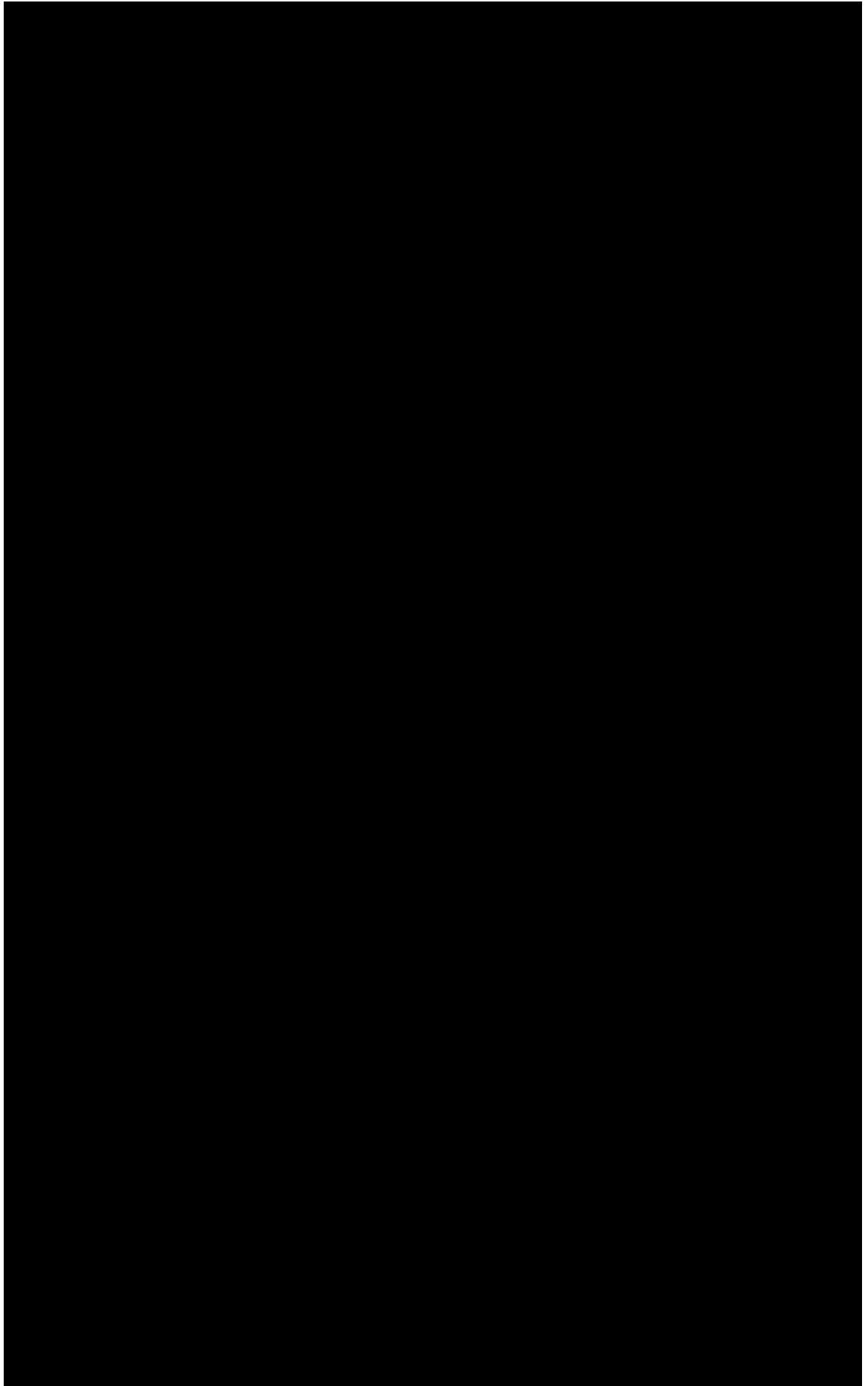
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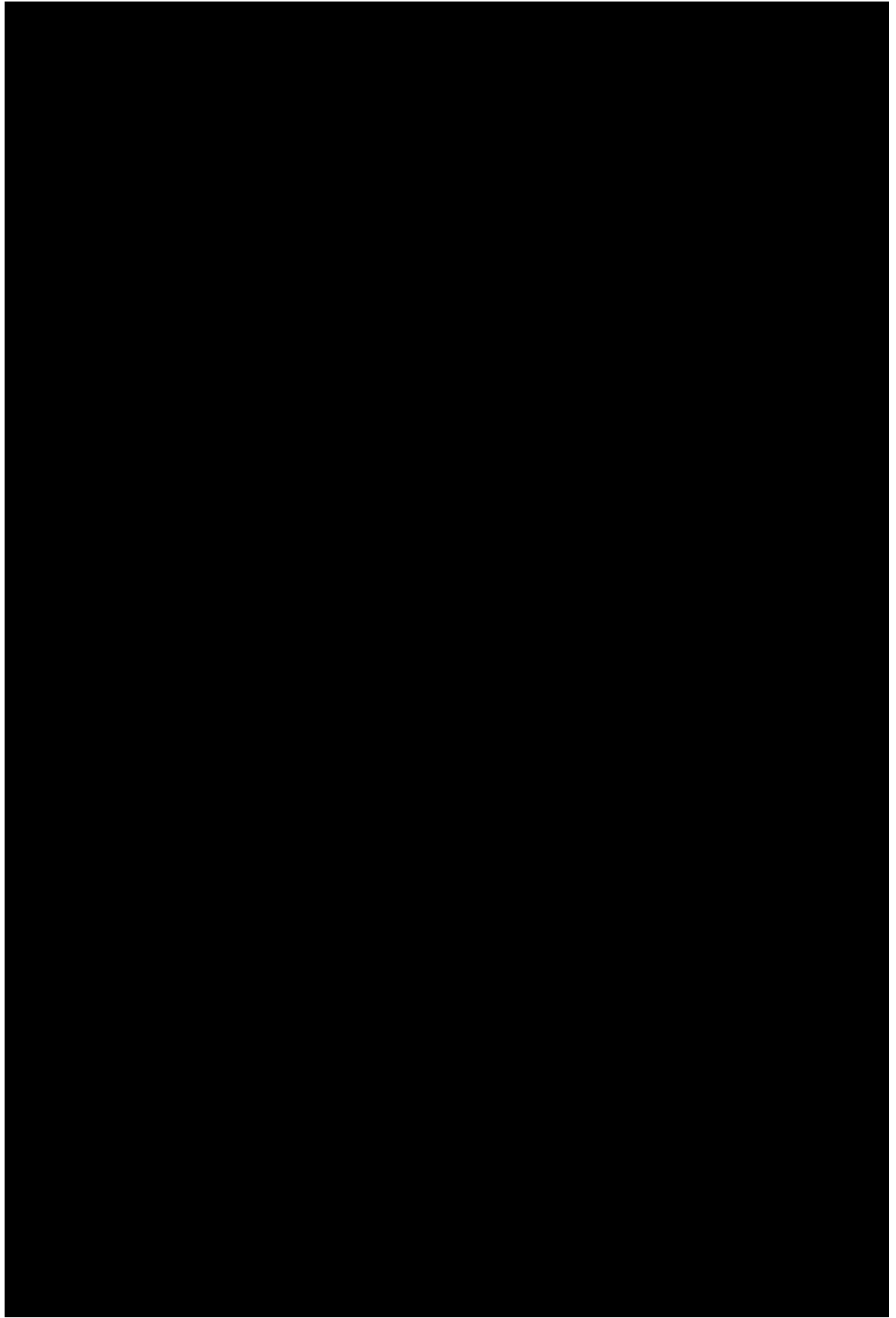
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Q. Okay. Next.

MS. MILLER: Can we take a

1 quick break? A quick --

2 MR. BAKER: Somebody need to
3 go to the bathroom or --

4 MS. MILLER: I would like to
5 if we could.

6 MR. BAKER: Okay. Go ahead.

7 THE VIDEOGRAPHER: Going off
8 the record. The time is 3:00 p.m.

9 (Short break.)

10 THE VIDEOGRAPHER: We are
11 going back on the record.

12 Beginning of Media File 9. The
13 time is 3:11.

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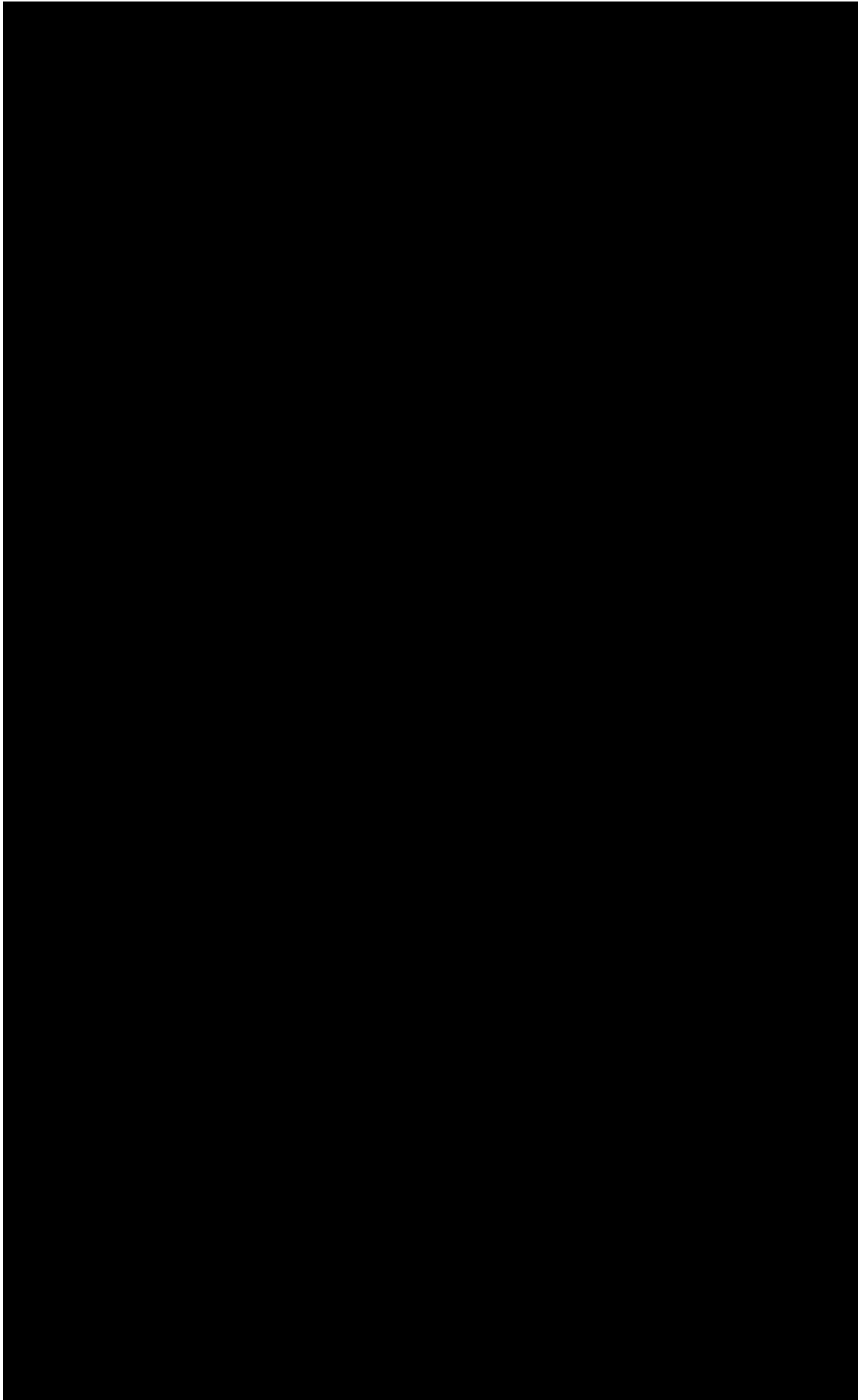
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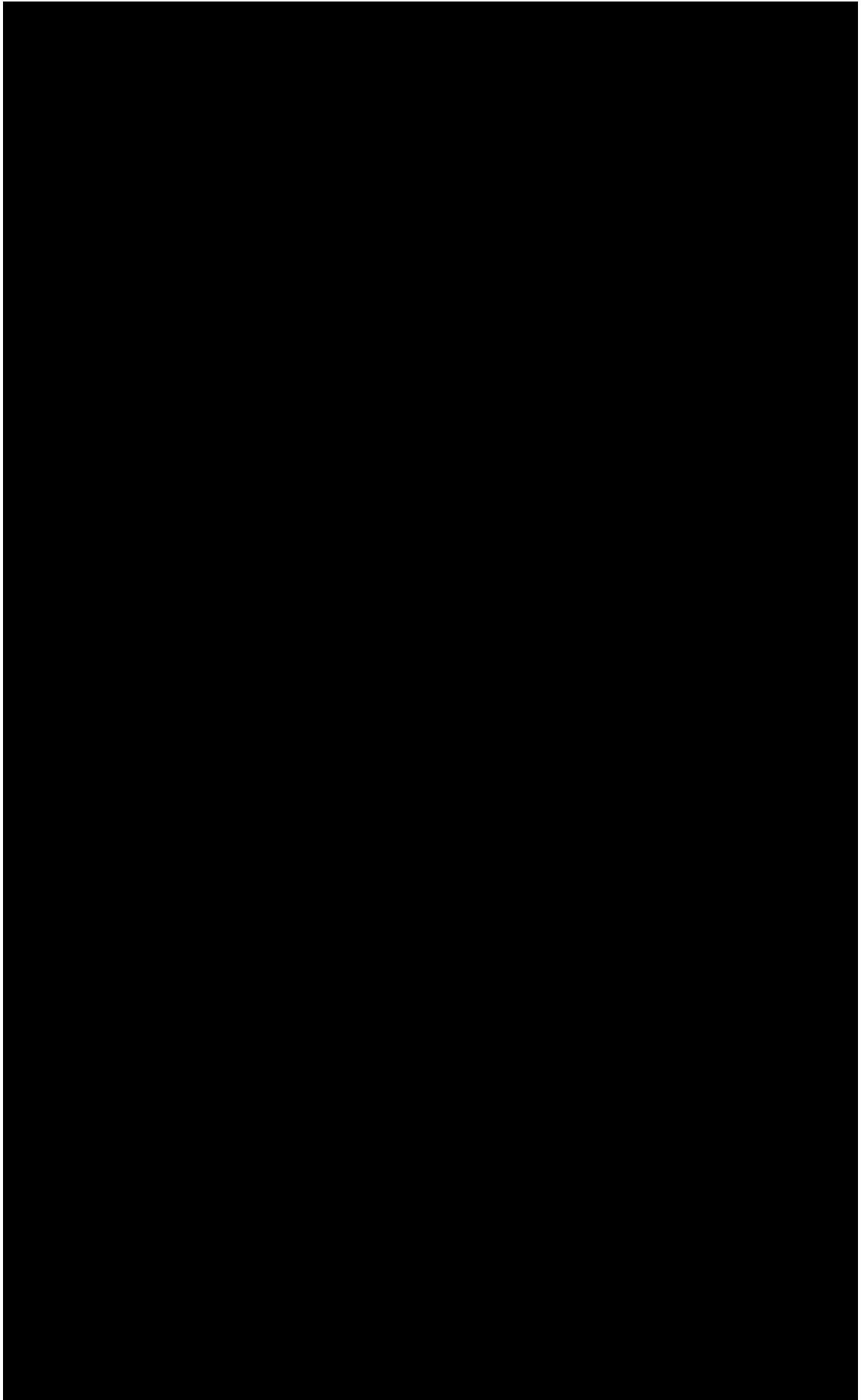
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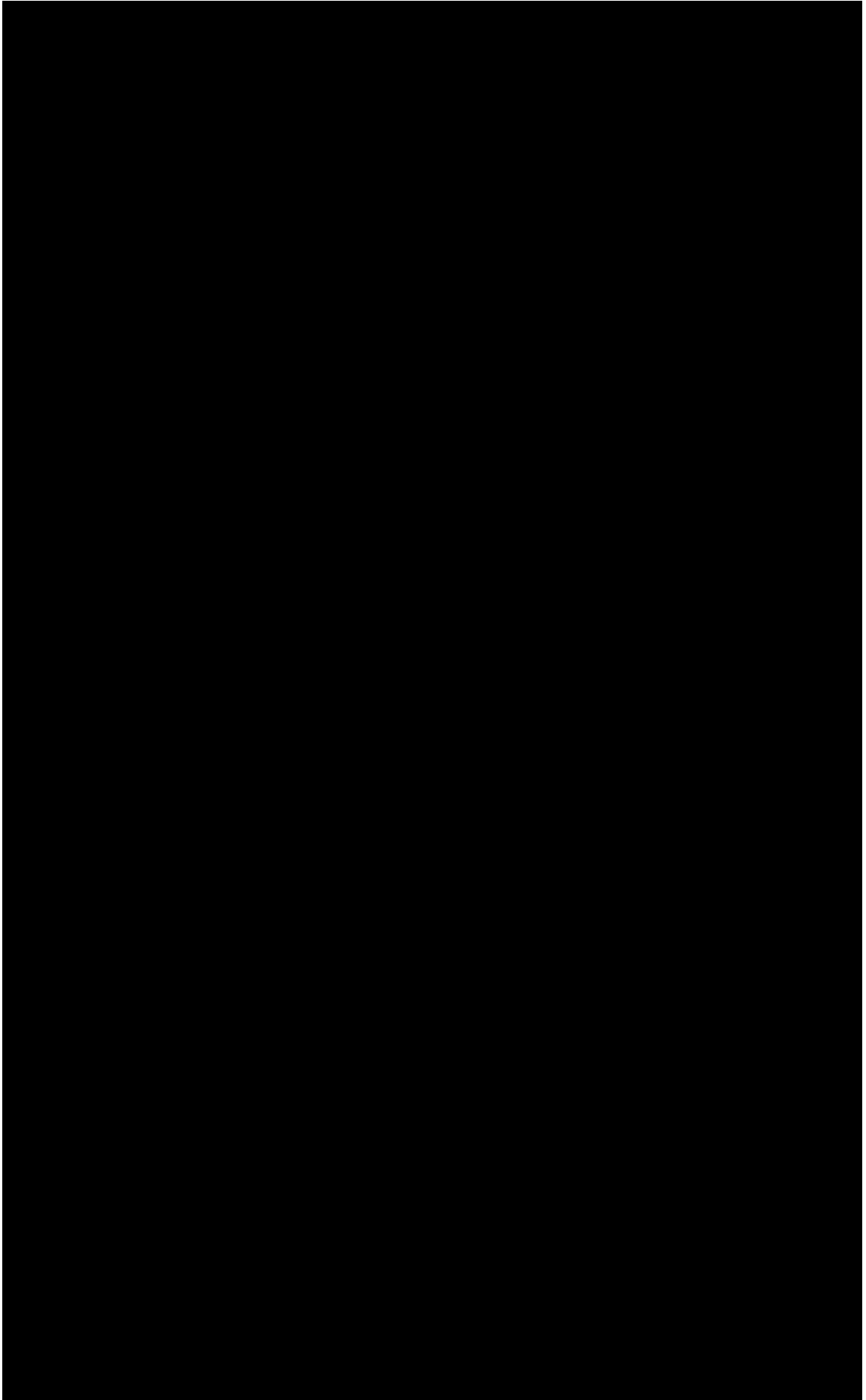
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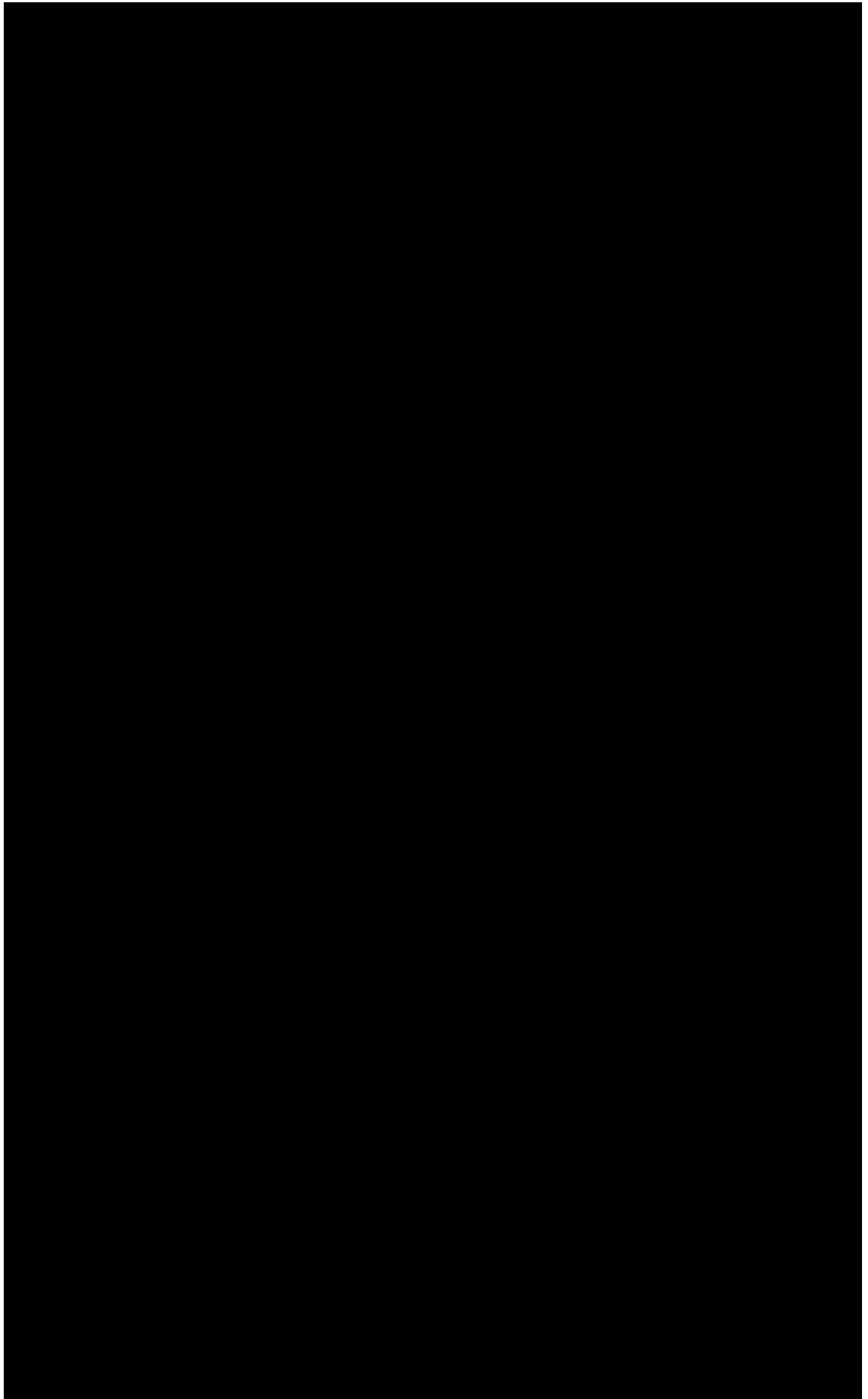
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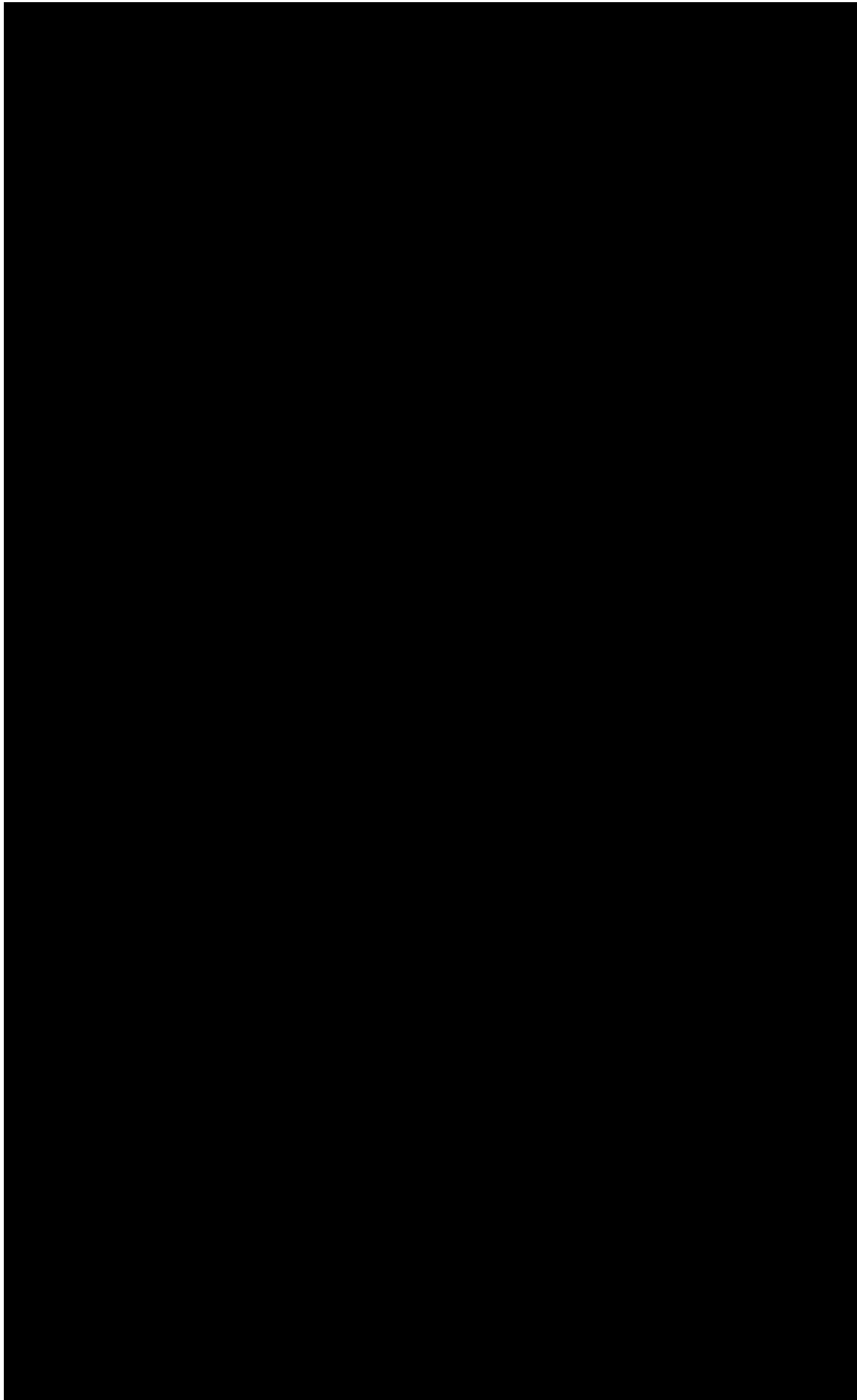
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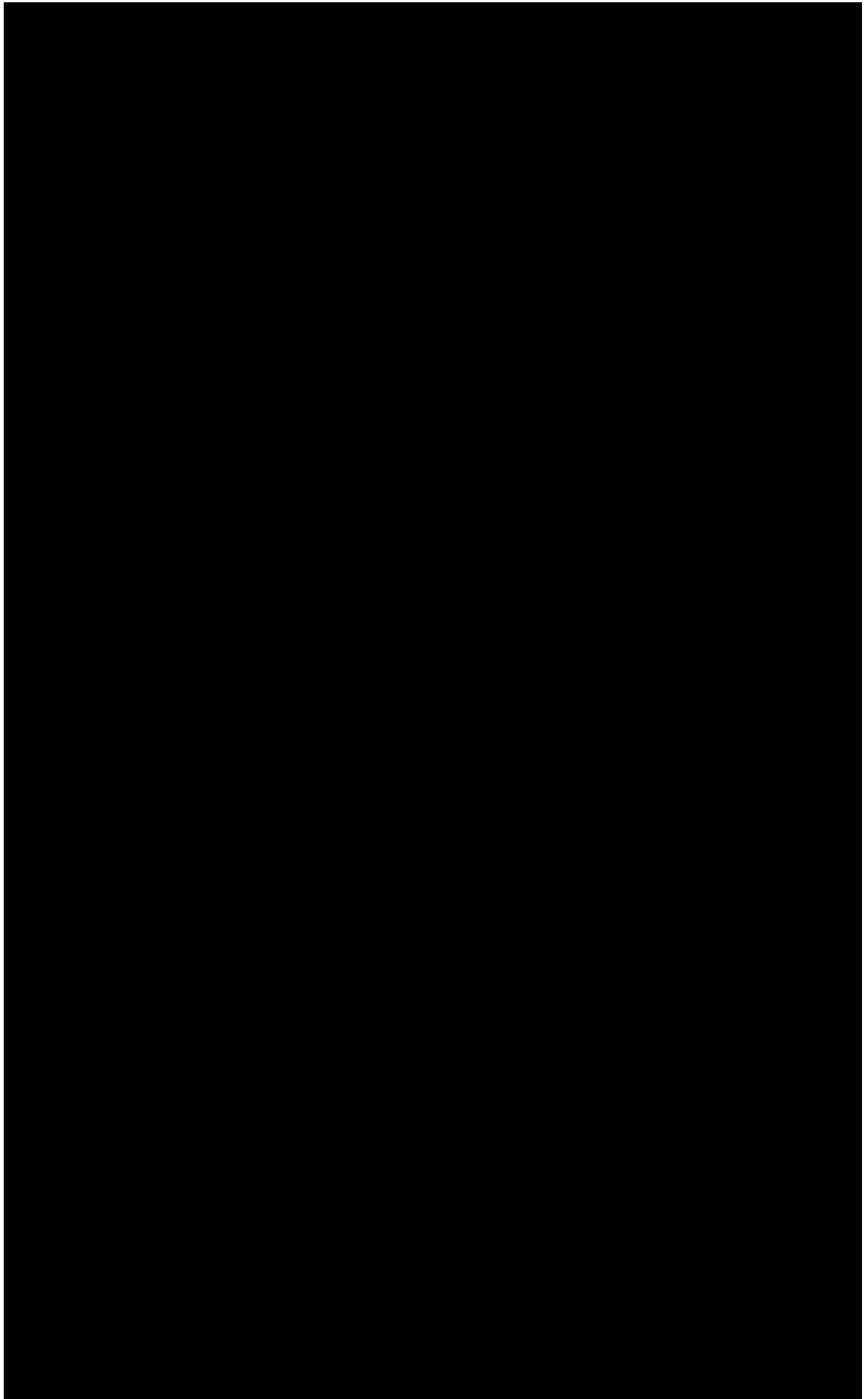
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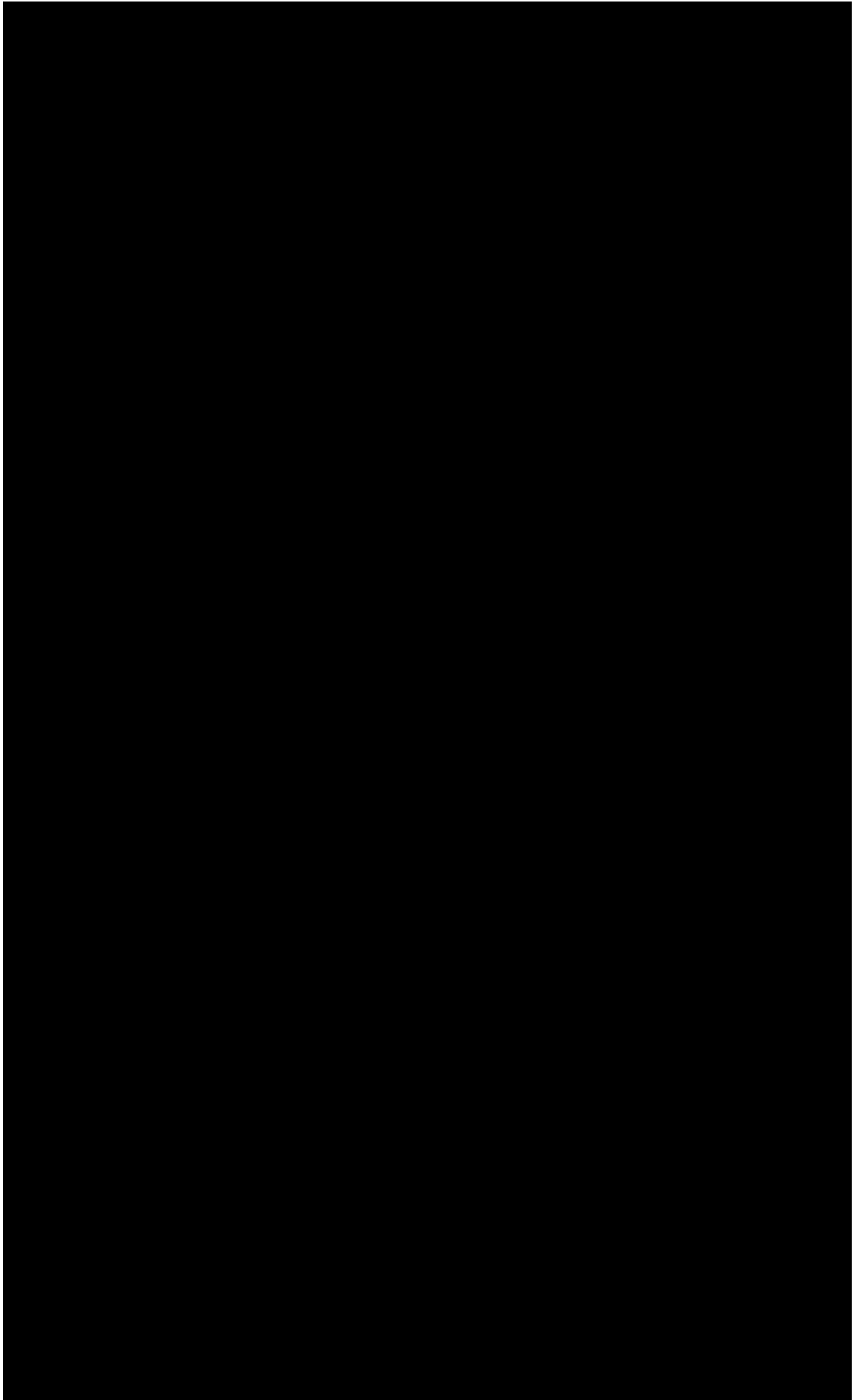
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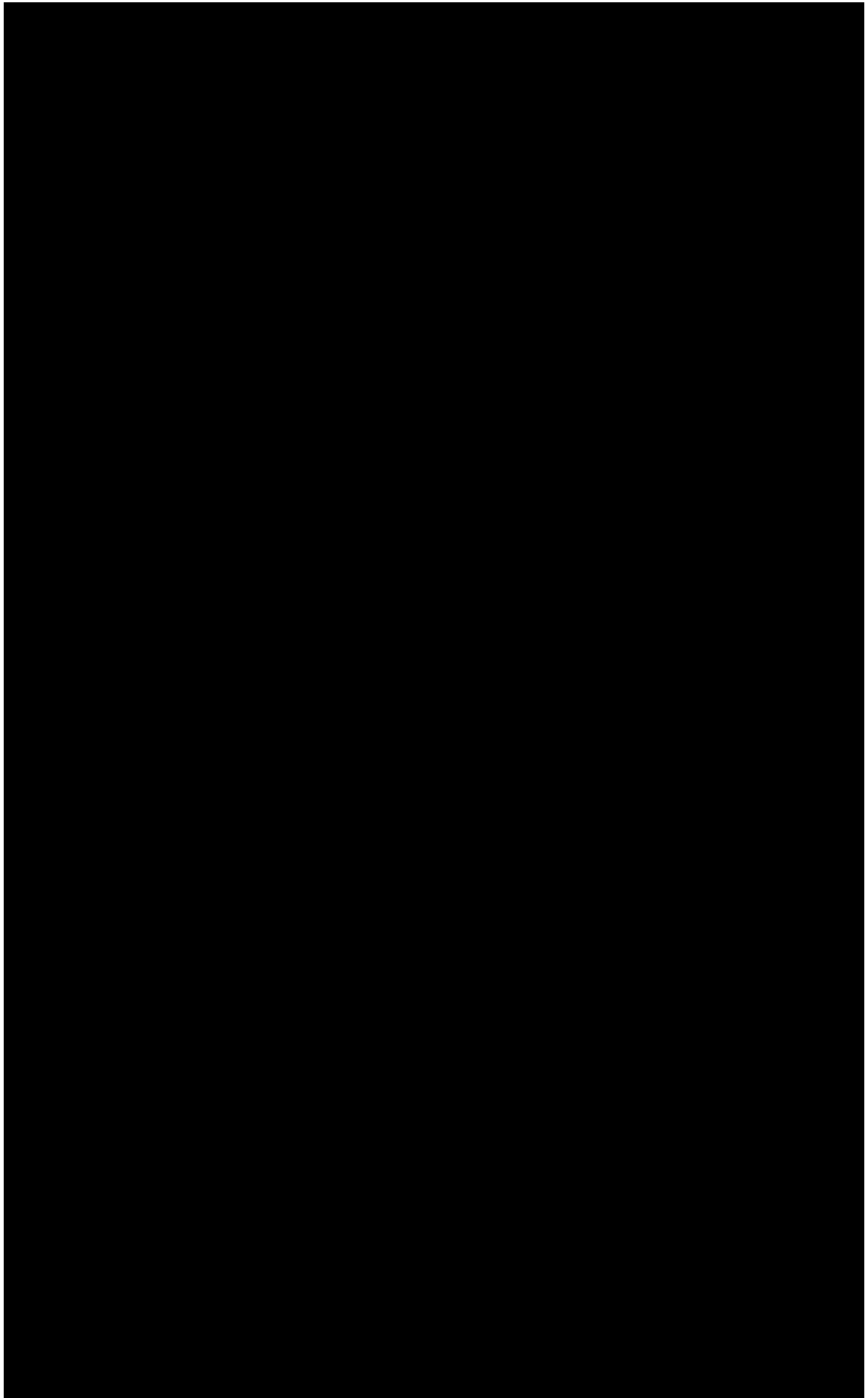
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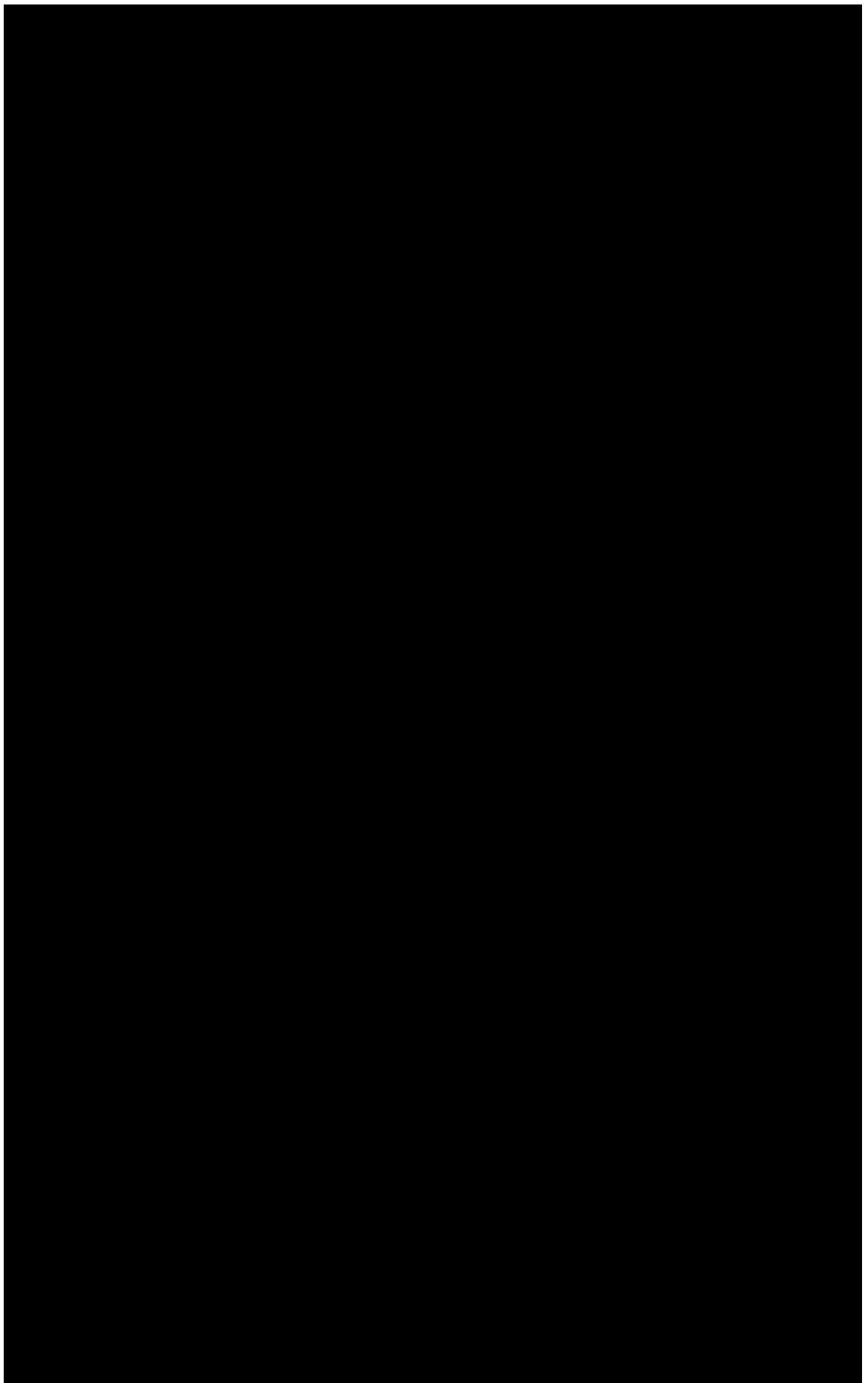
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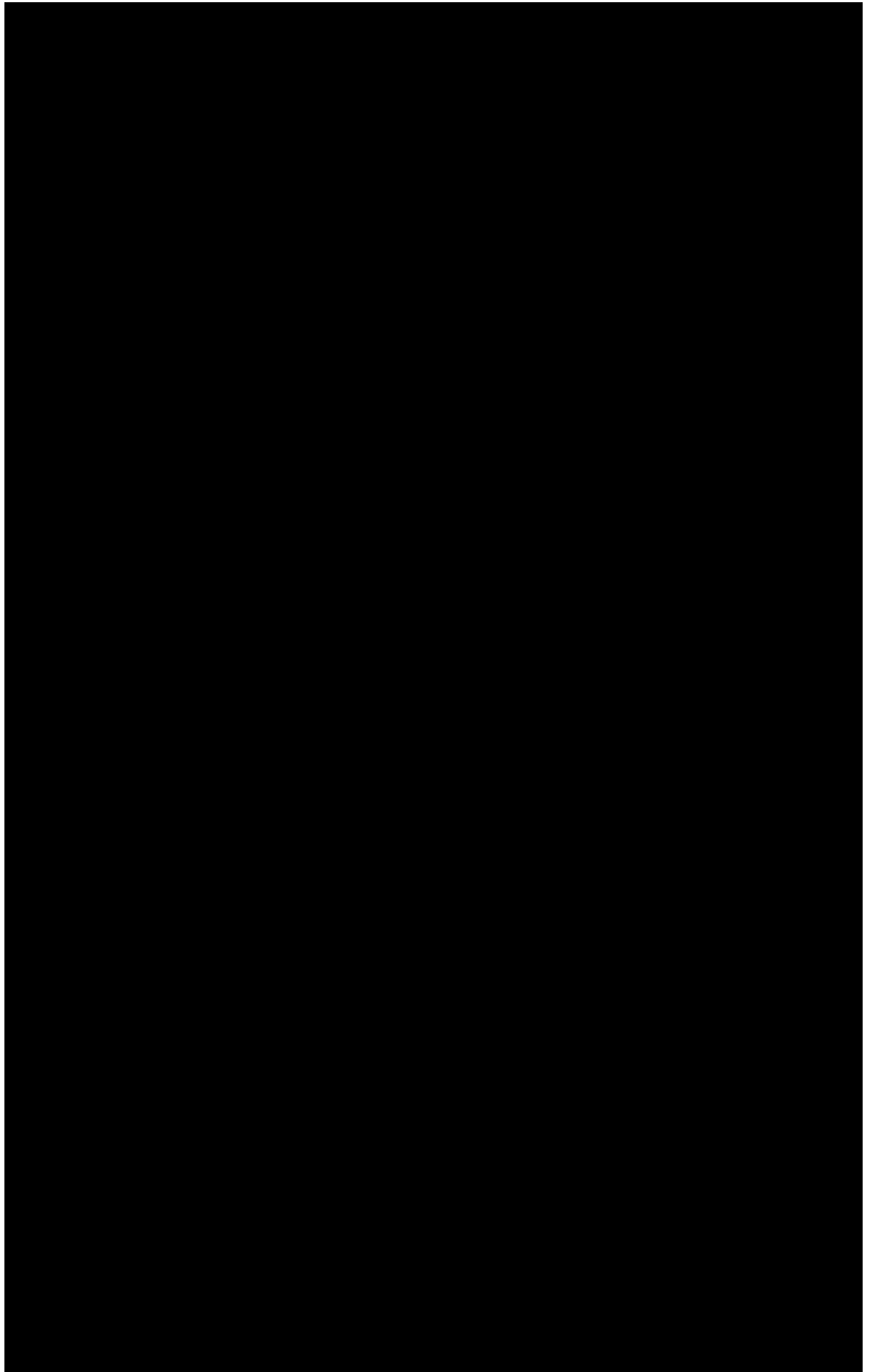
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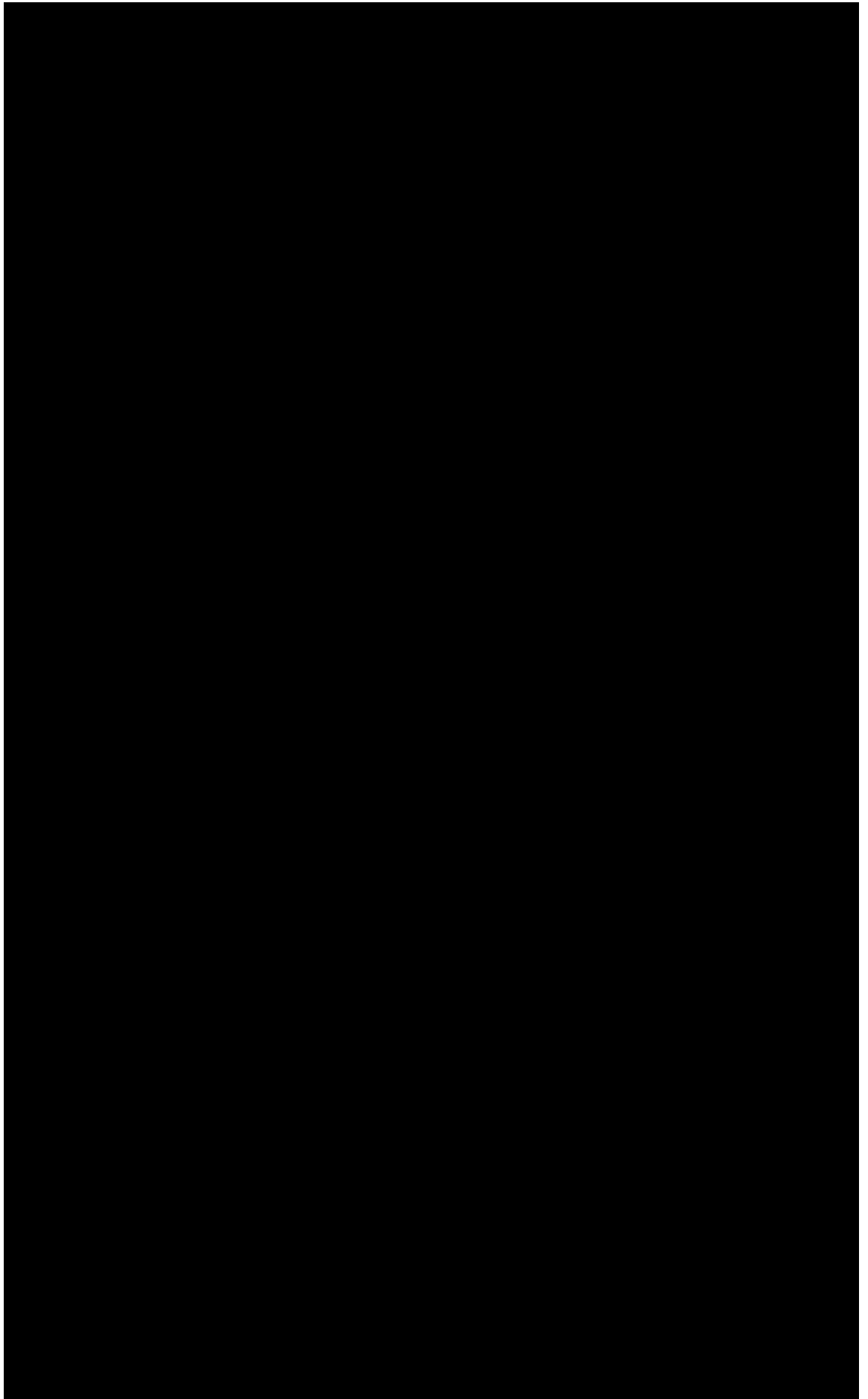
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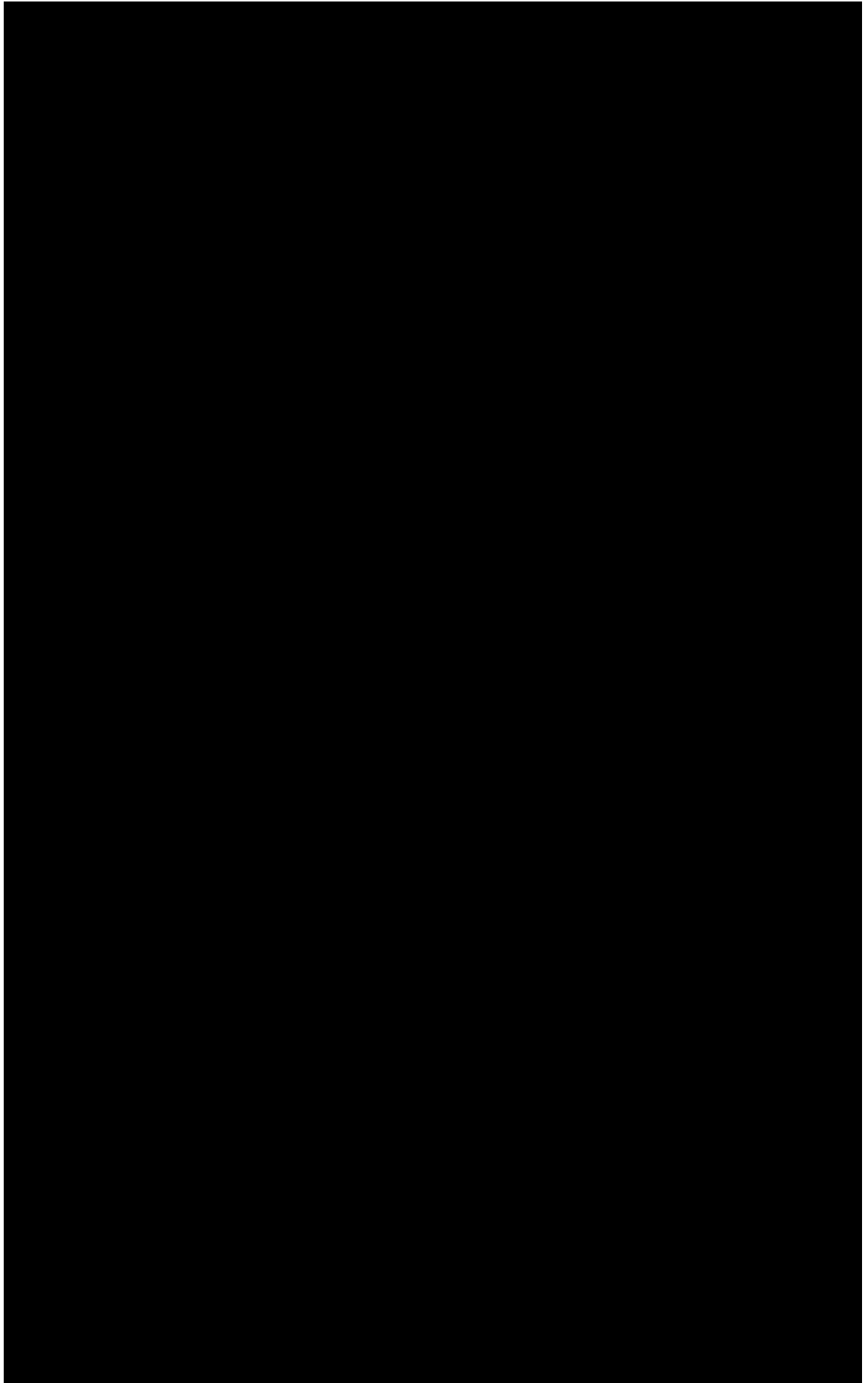
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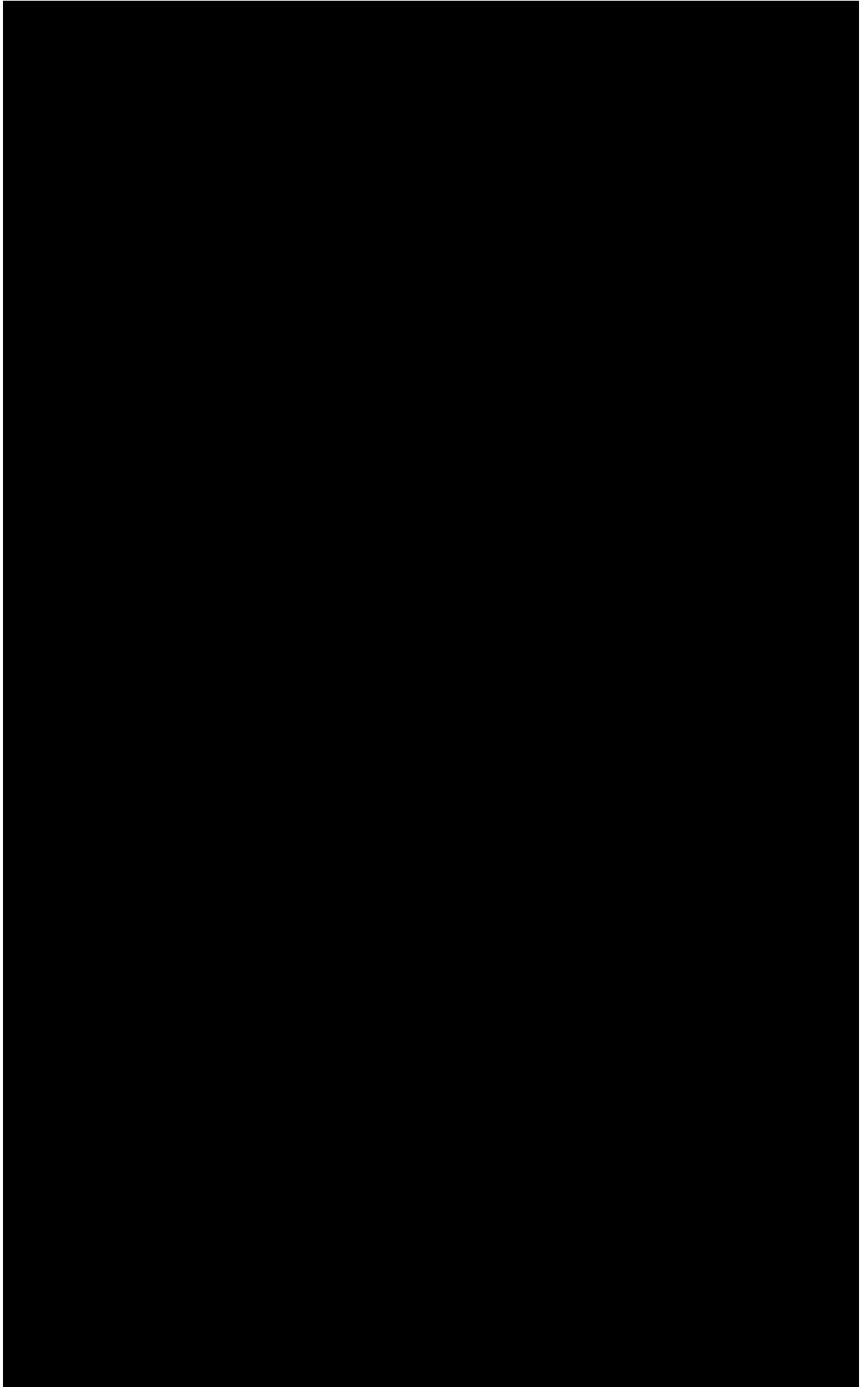
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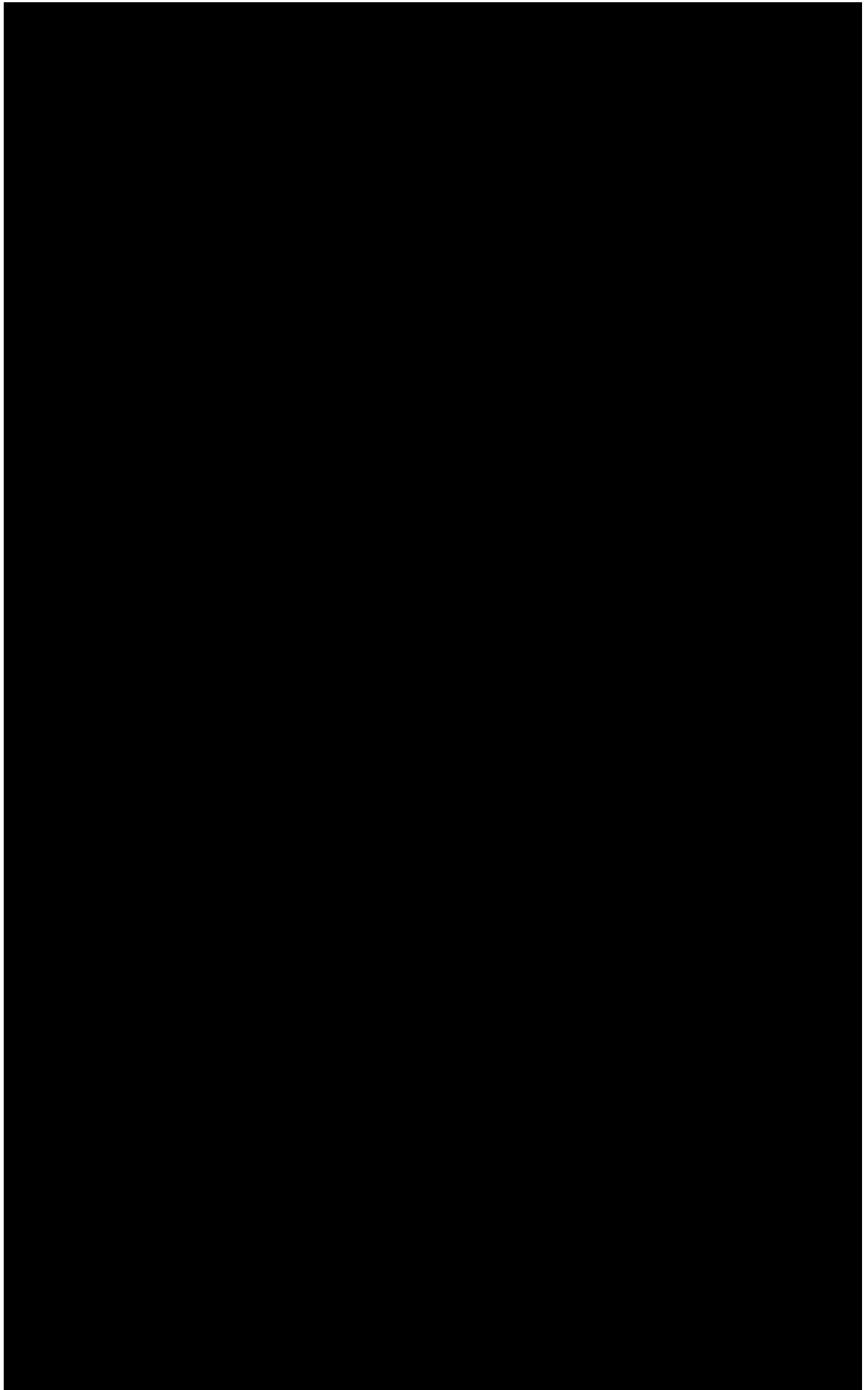
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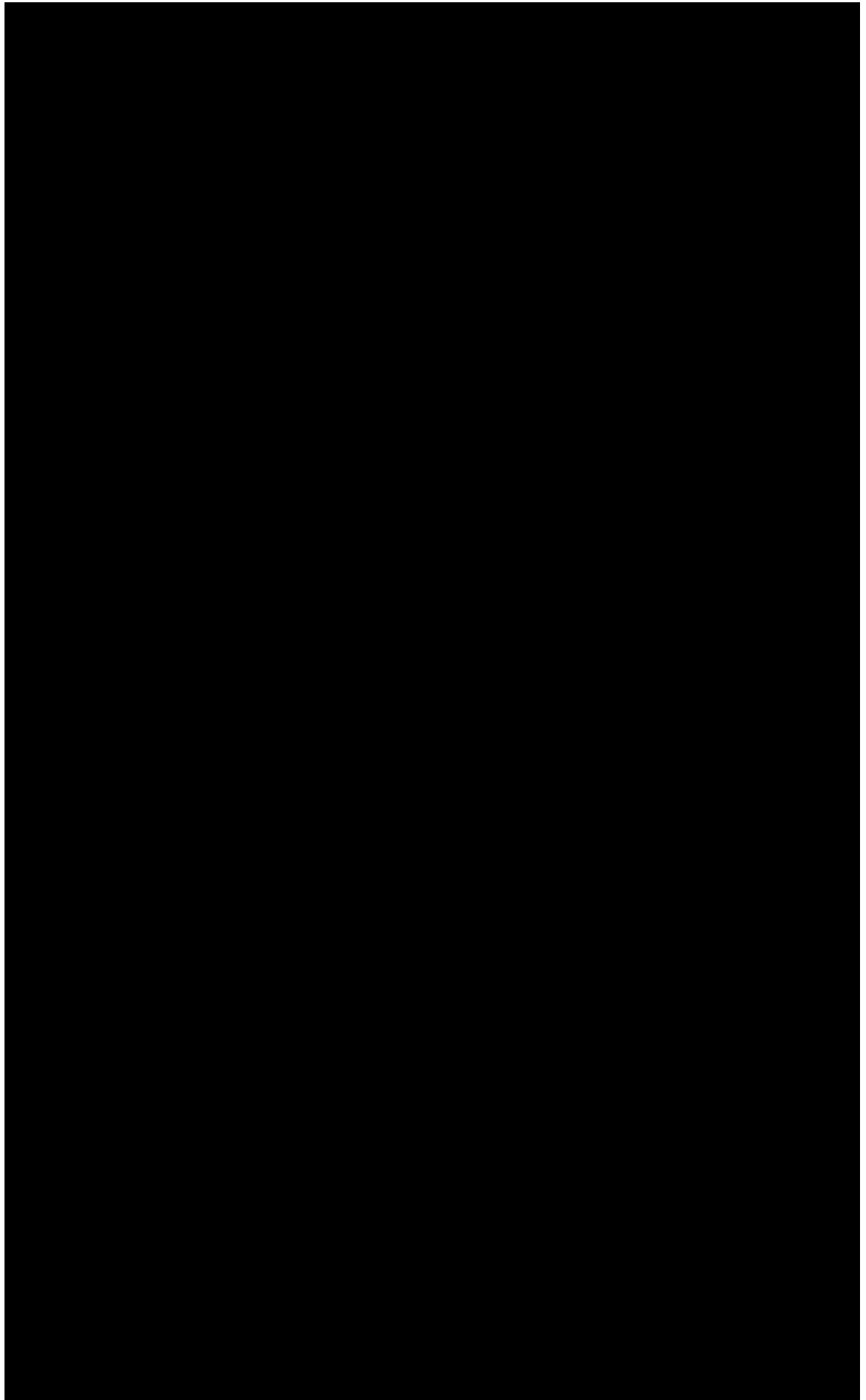
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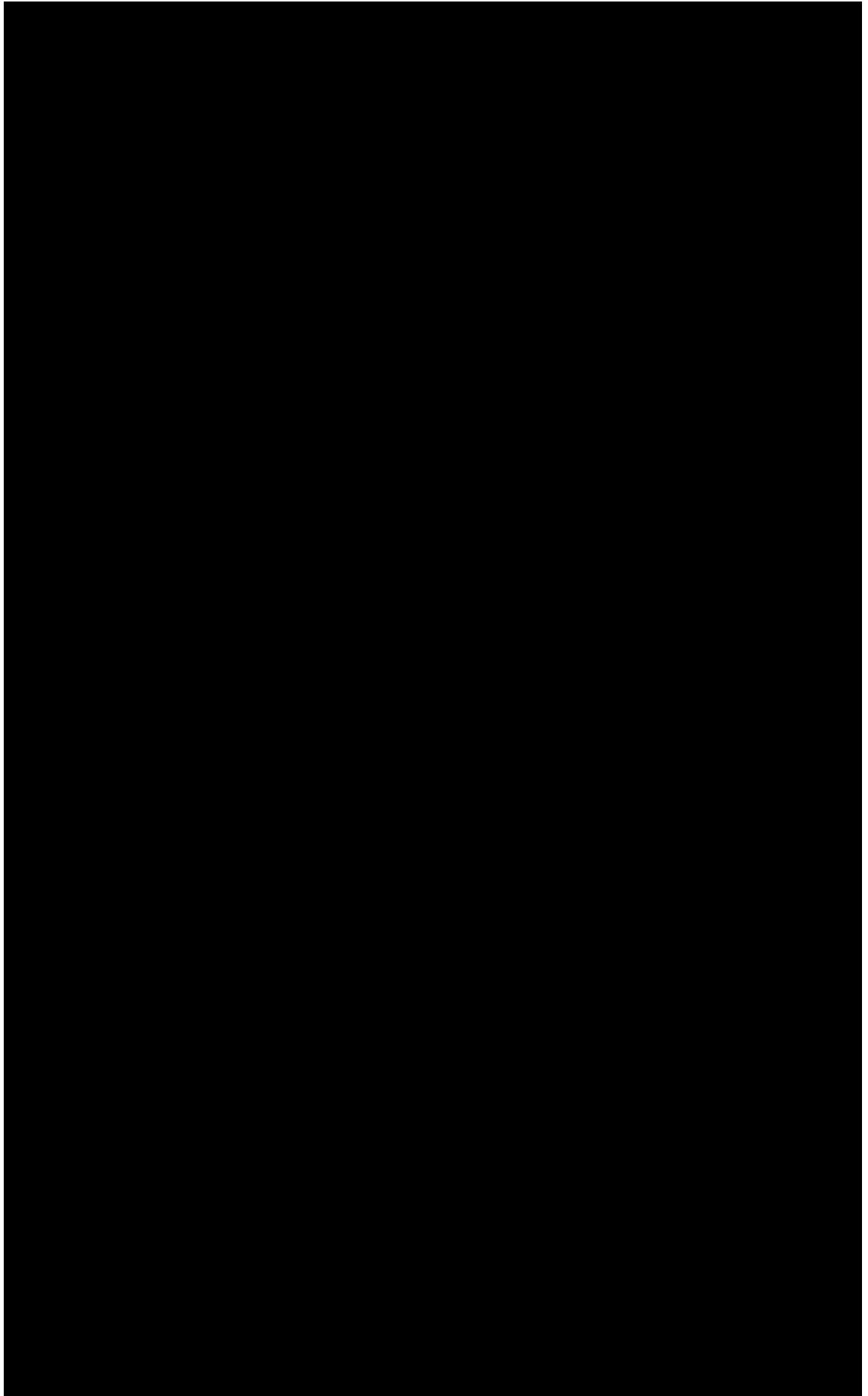
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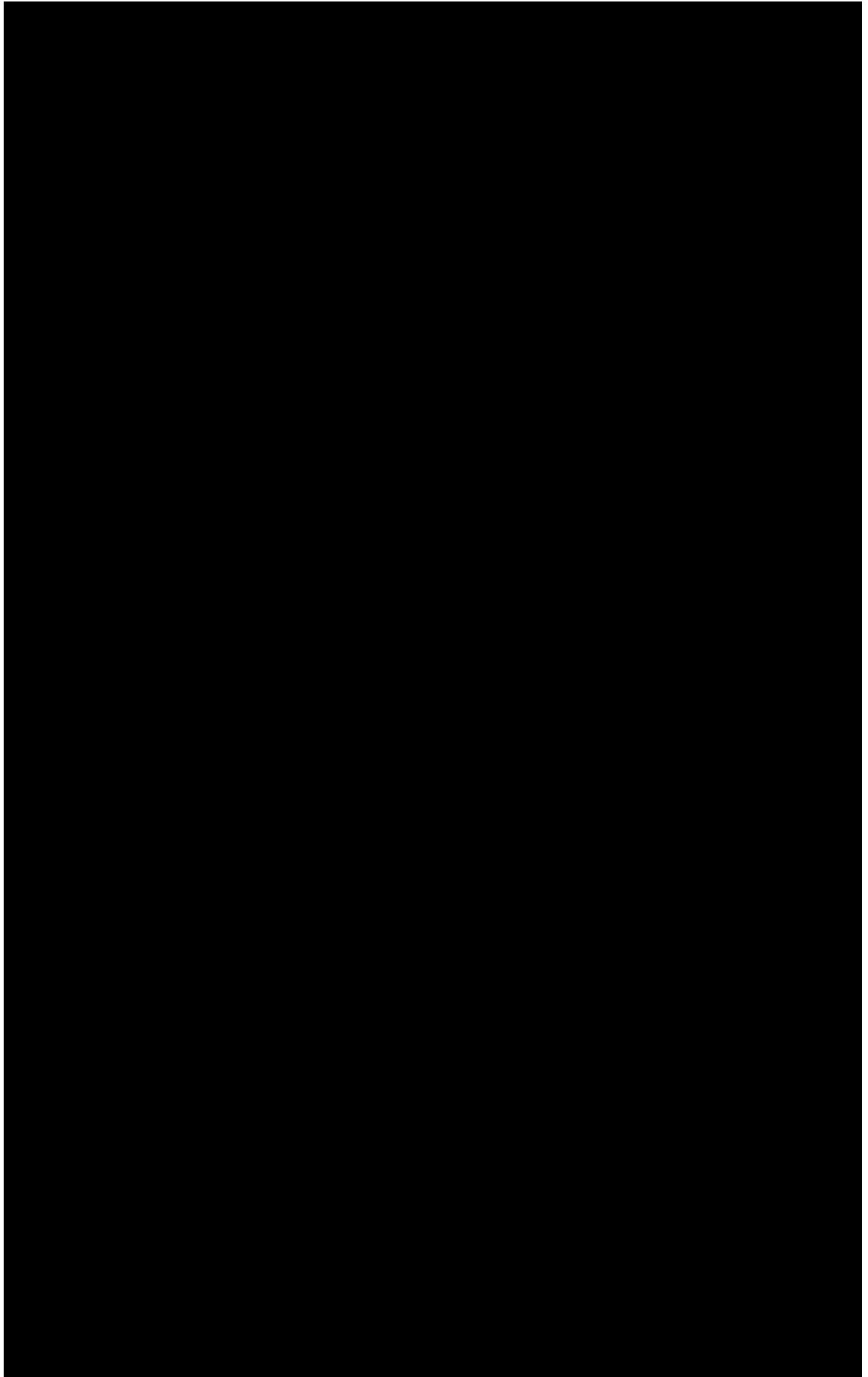
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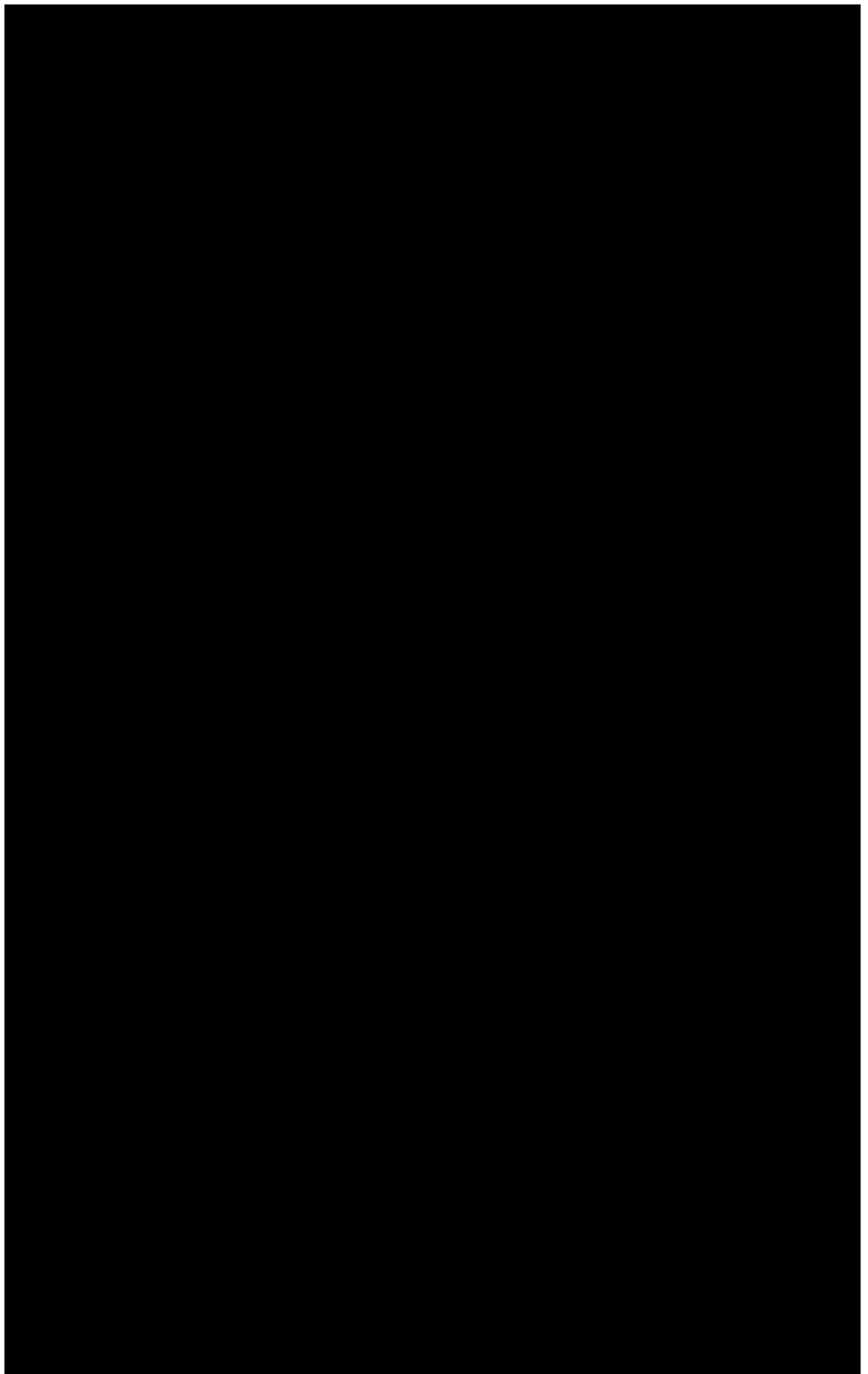
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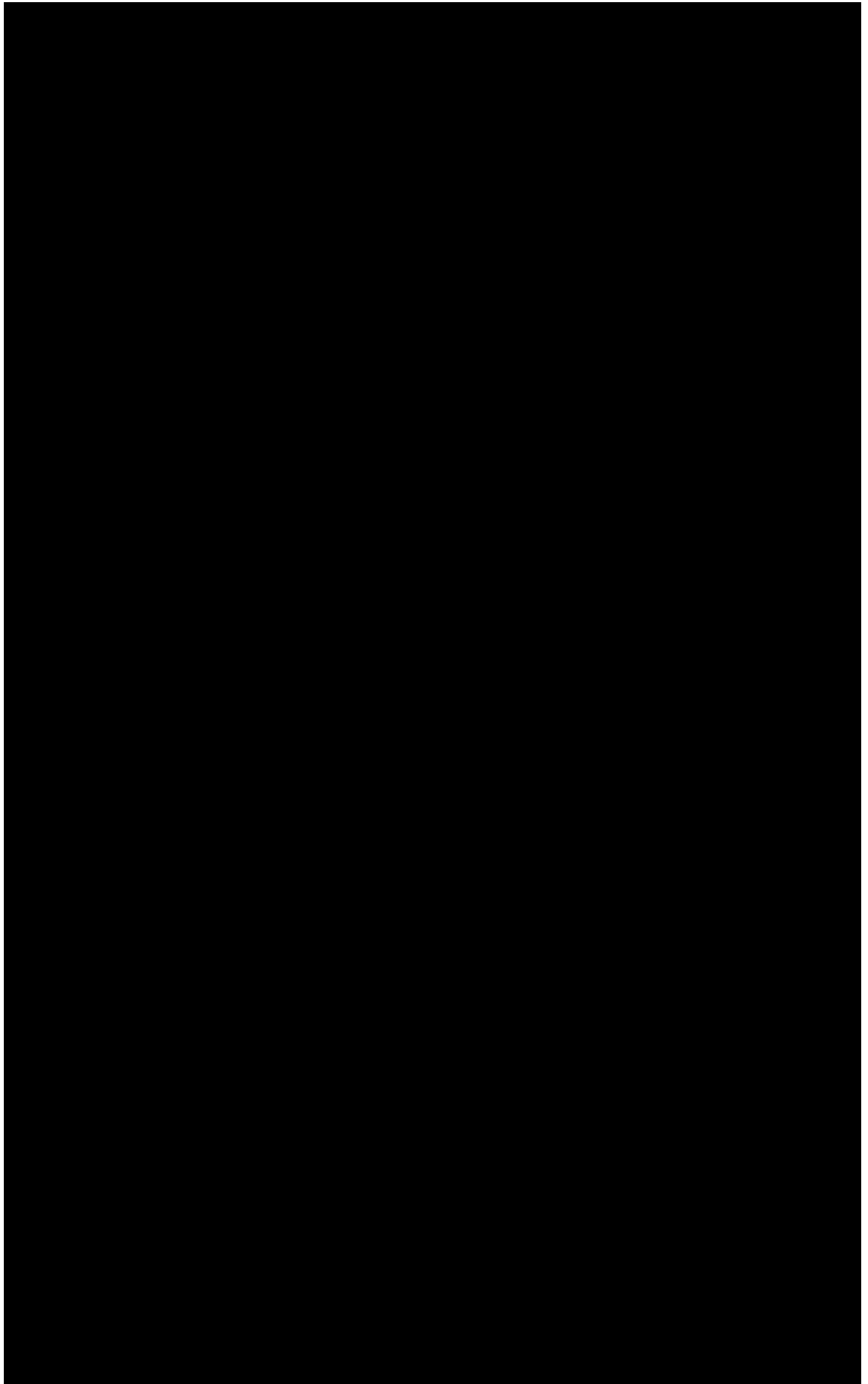
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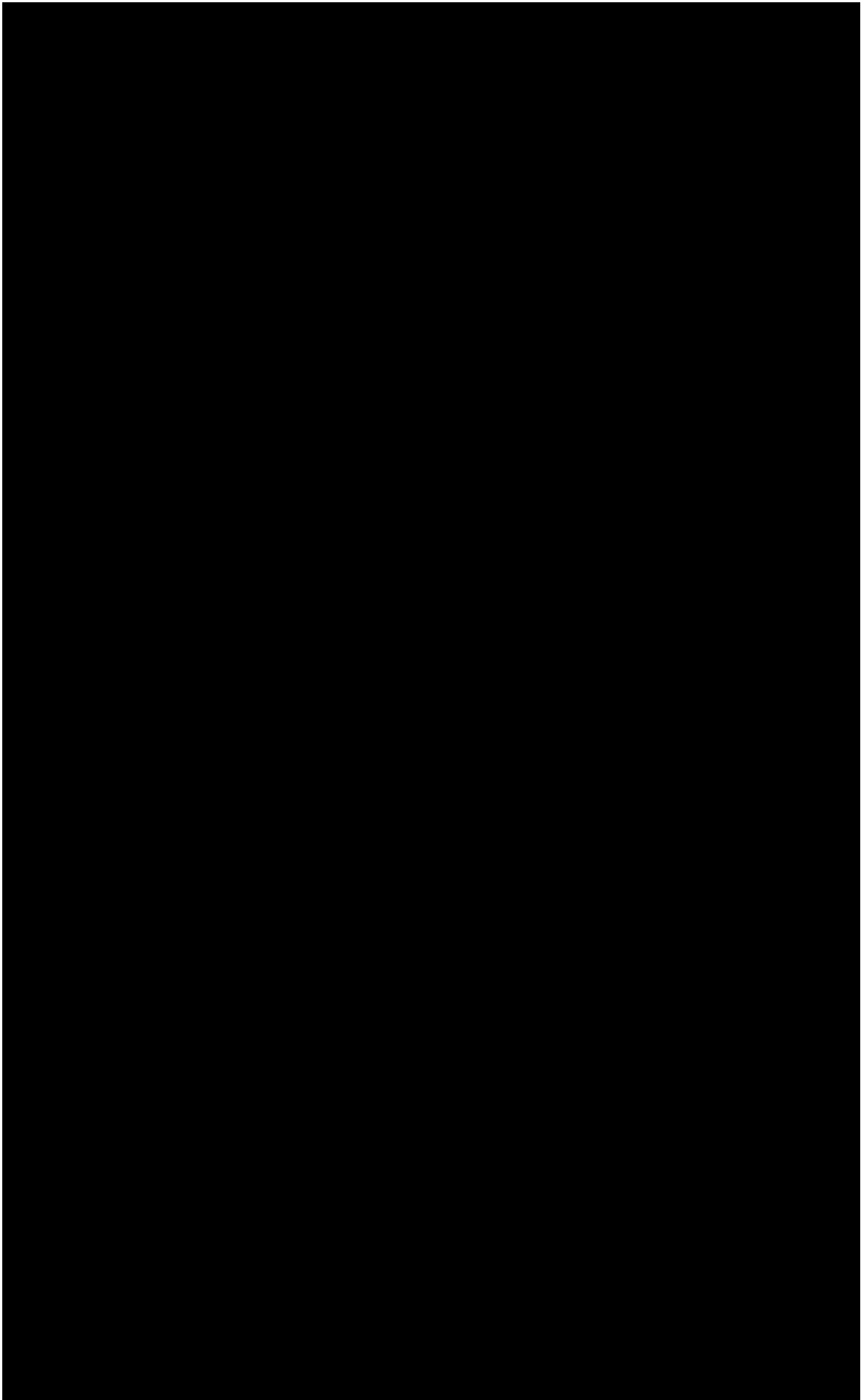
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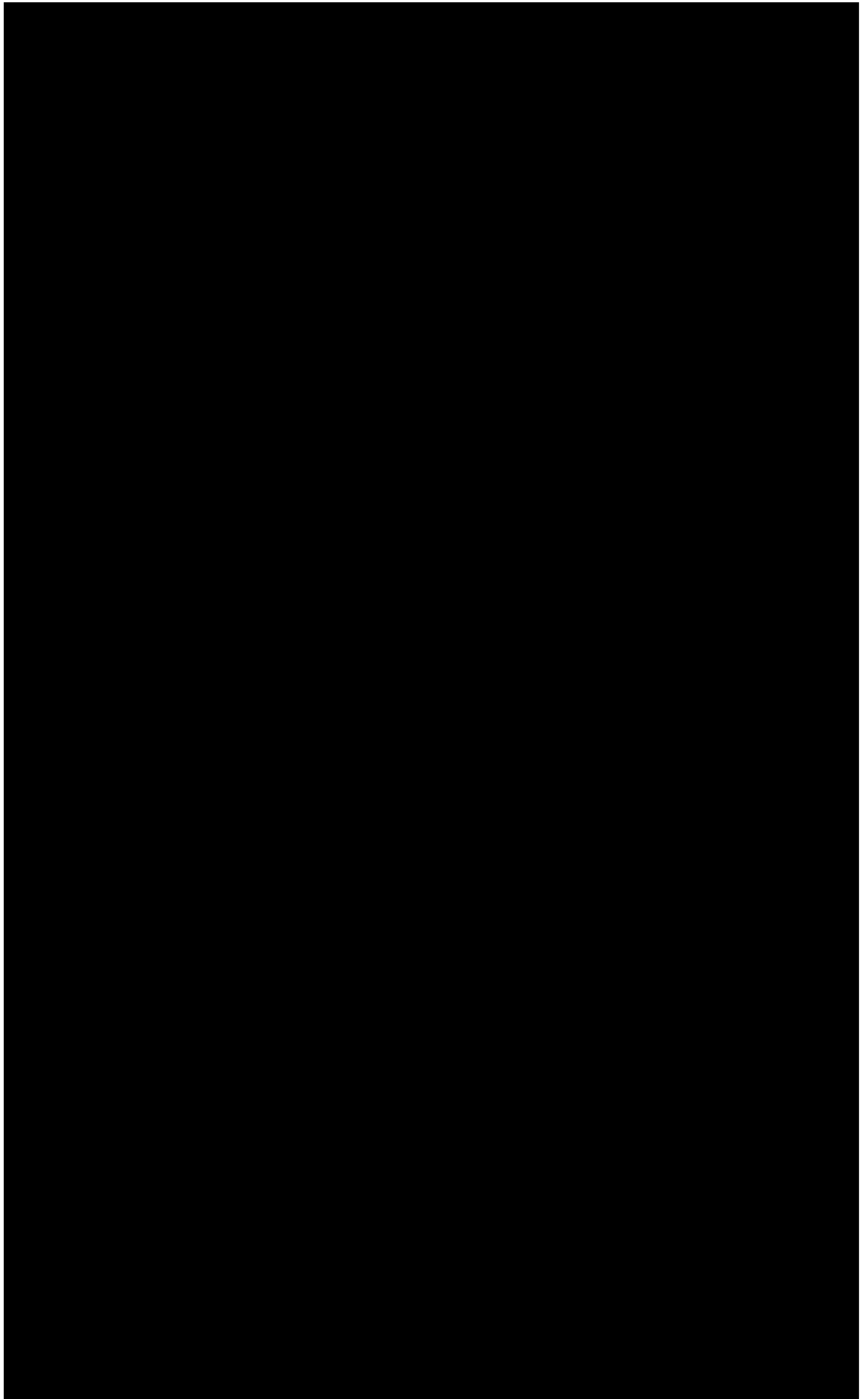
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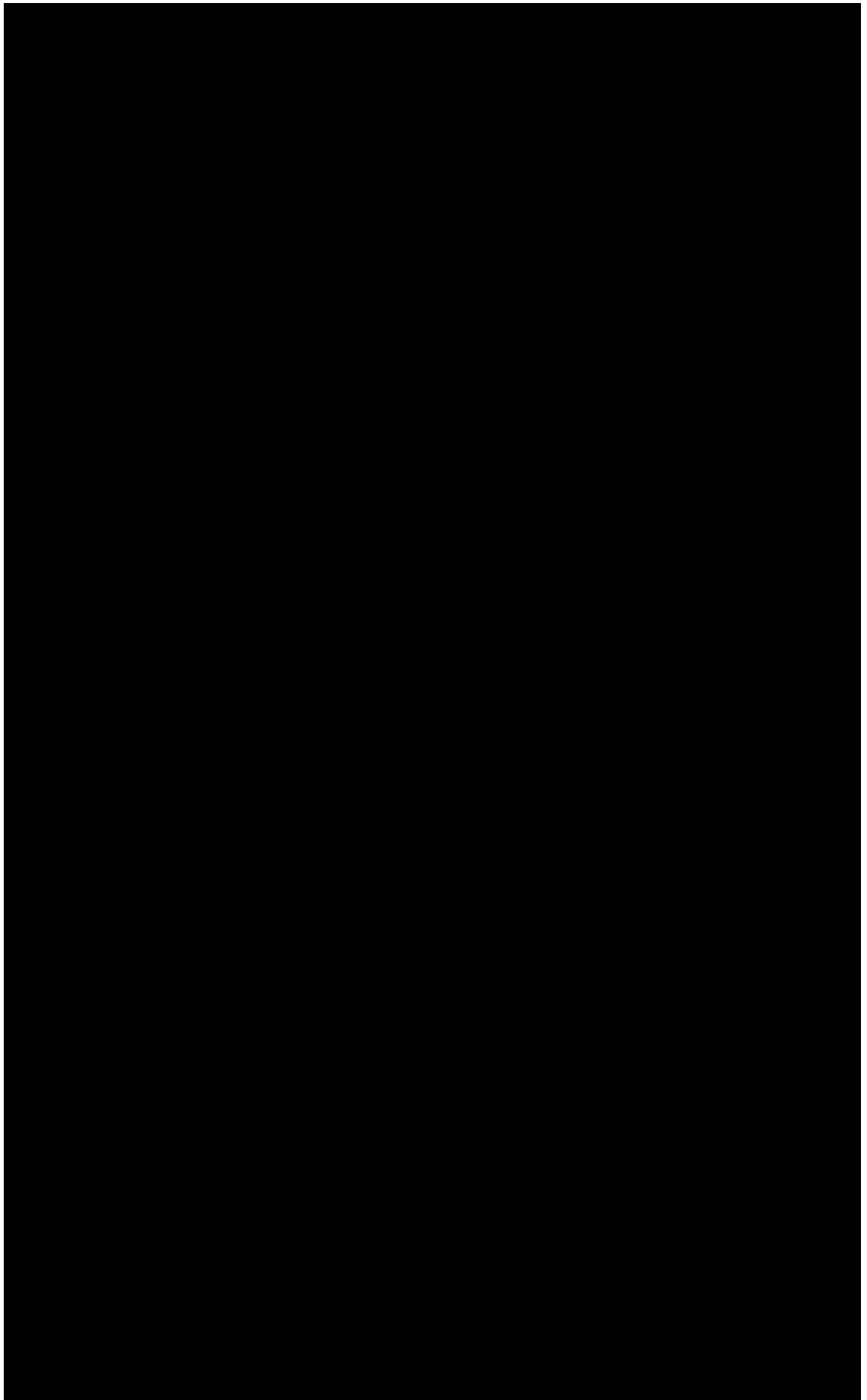
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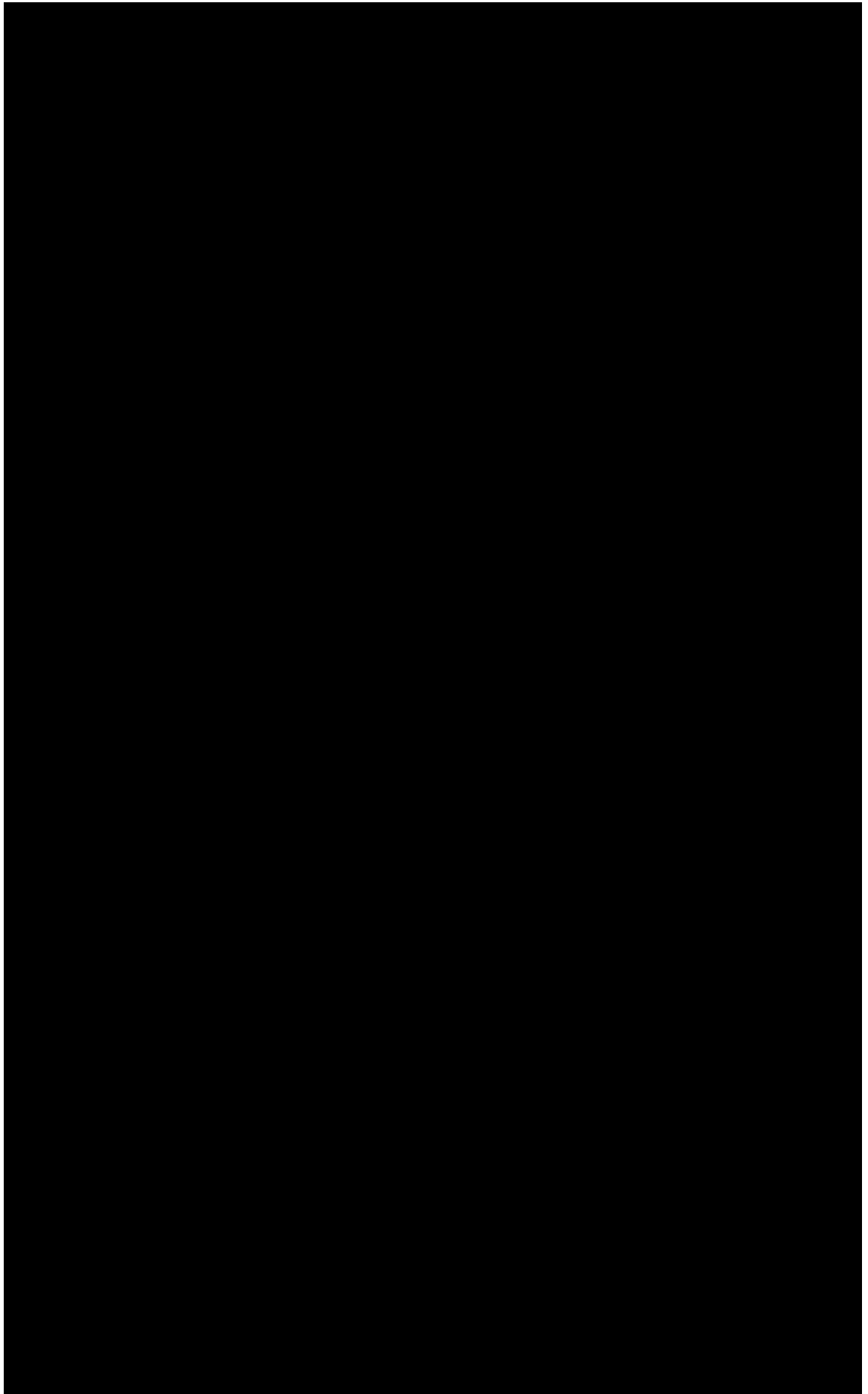
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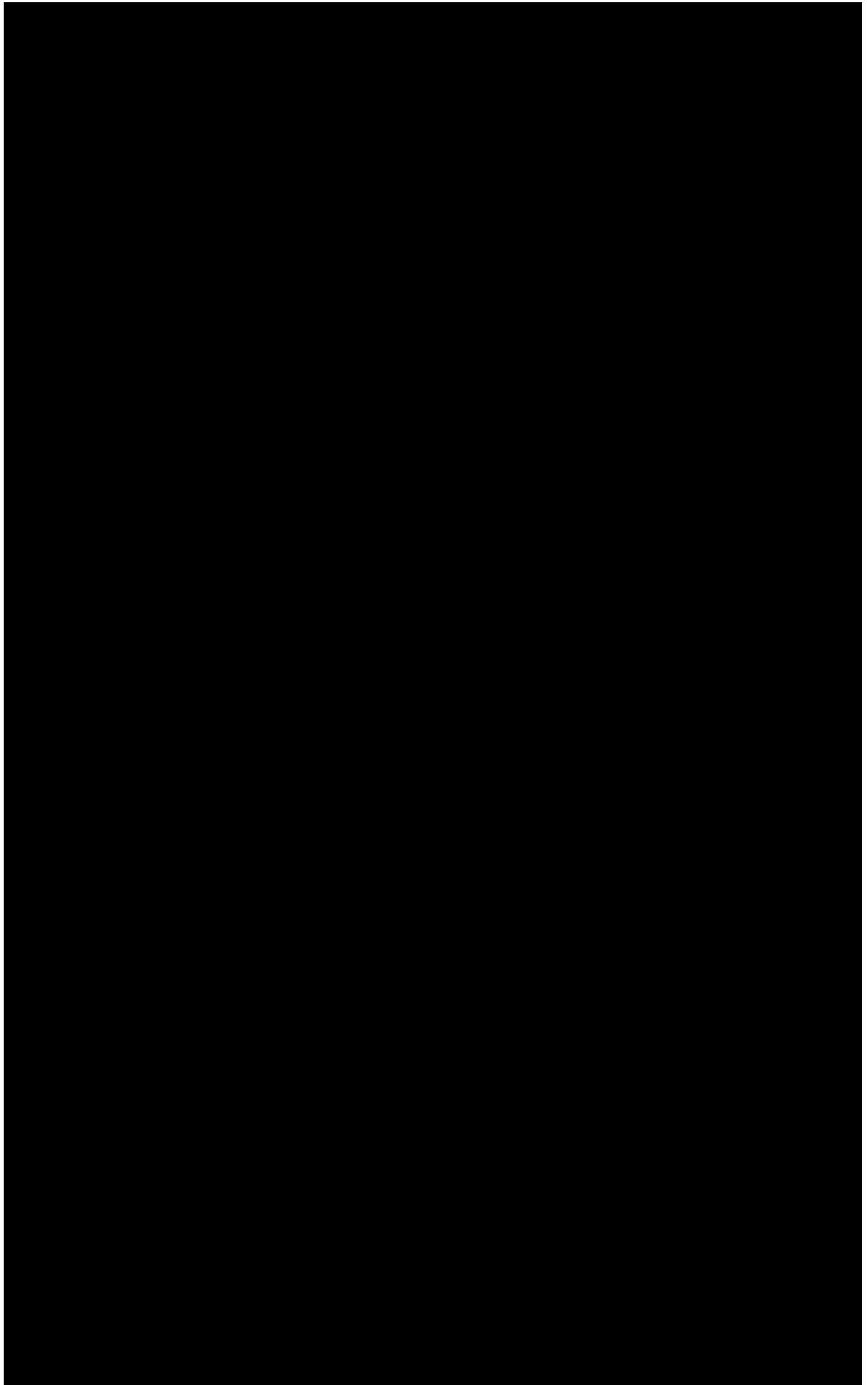
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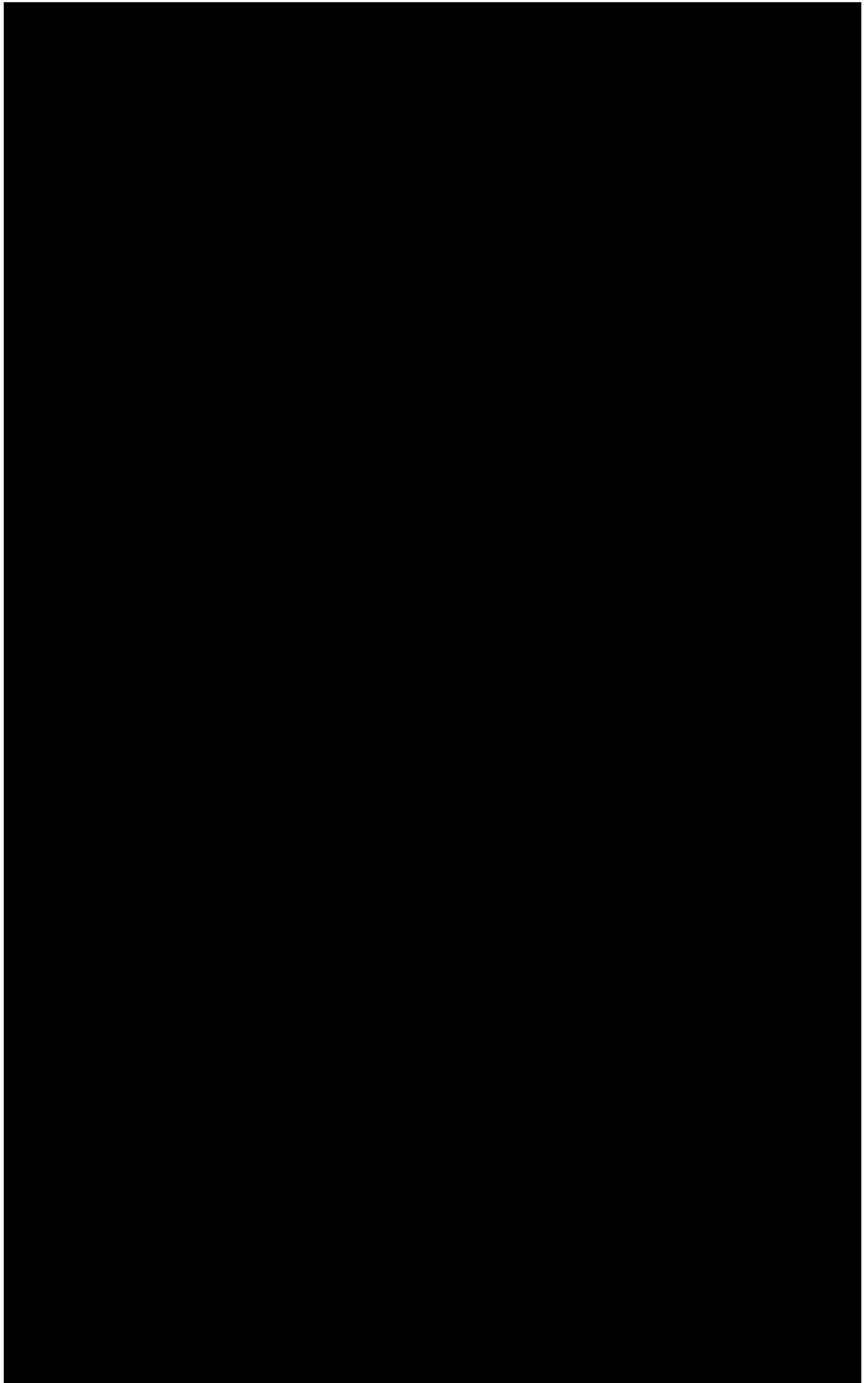
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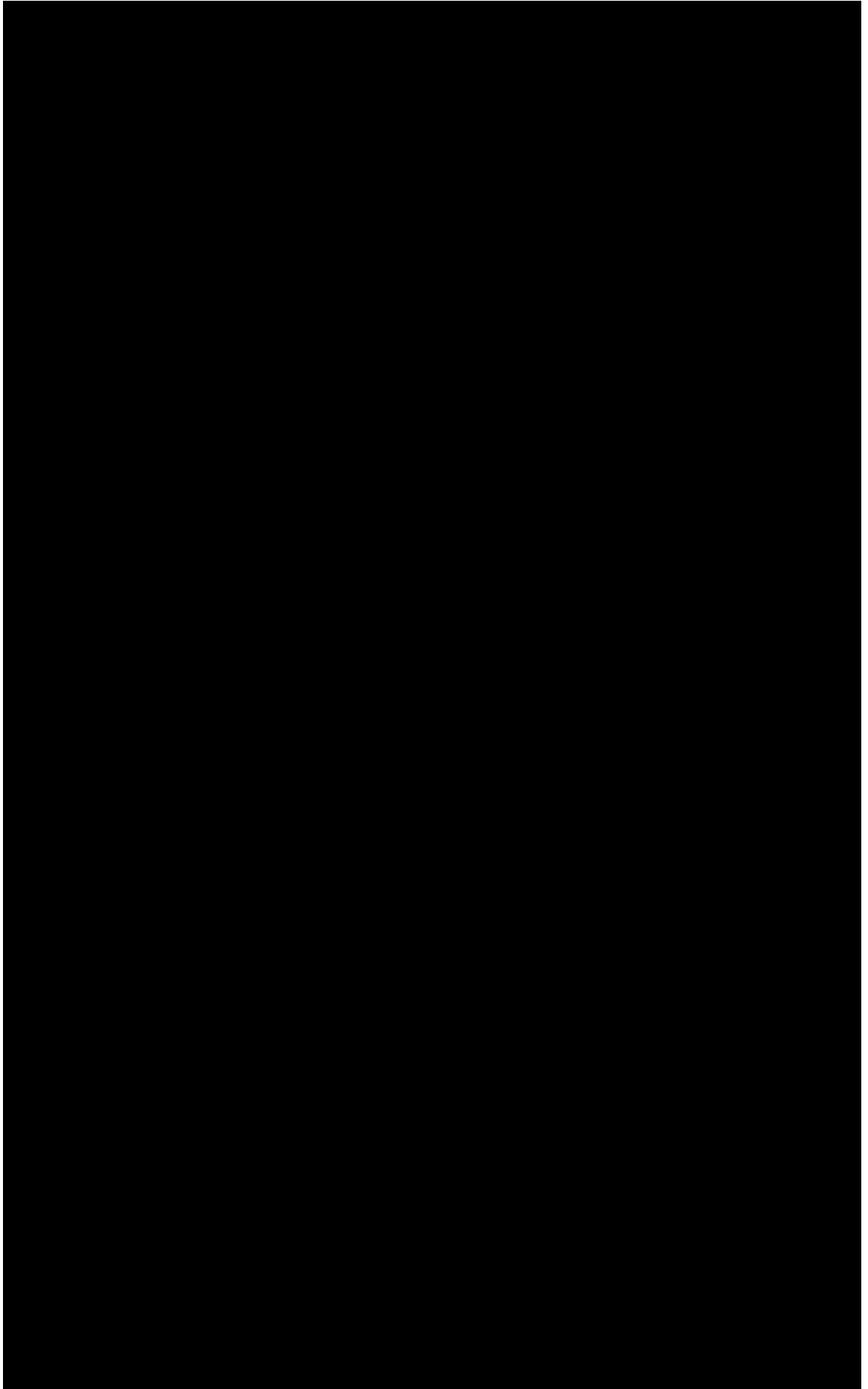
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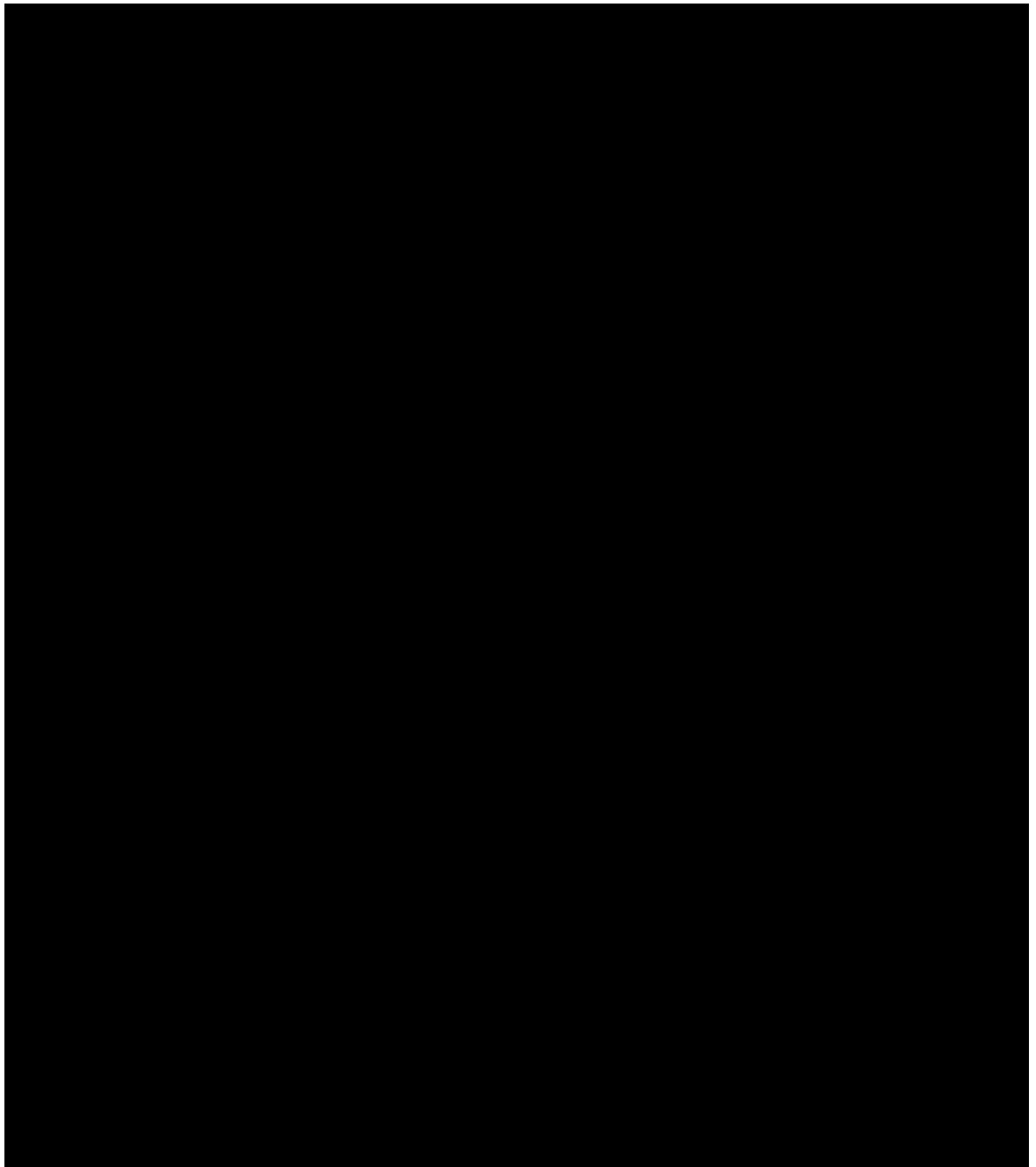
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MR. BAKER: Okay. I'm going
to take a break. And I may pass
it over to my partner here, Jimmy
DeRoche. Give me just a second to
review my notes.

MS. MILLER: Can we --

THE WITNESS: Ten minutes or

1 so?

2 MR. BAKER: No, I just need,
3 like, two or three. I mean, if
4 y'all need more than that -- I'm
5 just, you know, going to sit here
6 and take a look at my notes.

7 THE WITNESS: If you don't
8 mind, I'm going to take a couple
9 minutes.

10 THE VIDEOGRAPHER: Going off
11 the record. The time is 3:33.

12 (Short break.)

13 THE VIDEOGRAPHER: We are
14 going back on the record.
15 Beginning of Media File 10. The
16 time is 3:43.

17 - - -

18 EXAMINATION

19 - - -

20 BY MR. DeROCHE:

21 Q. Mr. Devlin, my name is Jim
22 DeRoche. I have some hopefully brief
23 follow-up questions for you.

24 First of all, where do you

1 reside now again? I didn't hear that.

2 A. I live in Pocasset, in
3 Massachusetts.

4 Q. Okay. Is that a suburb of
5 Boston of some sort?

6 A. It's actually part of Cape
7 Cod.

8 Q. A-ha. Okay.
9 When did you come to
10 Washington?

11 A. When did I come to
12 Washington?

13 Q. Yeah.

14 A. I arrived -- let's see,
15 today is Thursday, right?

16 Q. Correct.

17 A. Yeah, I arrived on Tuesday.

18 Q. You arrived on Tuesday?

19 A. Yes.

20 Q. Okay. And what were you
21 doing for -- since -- between Tuesday and
22 today?

23 A. I had some --

24 MS. MILLER: Objection.

1 BY MR. DeROCHE:

2 Q. Excuse me? I didn't hear
3 what you said.

4 MS. MILLER: Go ahead.

5 BY MR. DeROCHE:

6 Q. You can answer the question,
7 sir.

8 A. I -- I had some prep time.

9 Q. So you prepared for this
10 deposition?

11 A. Yes.

12 Q. Okay. You met with lawyers
13 here at the office we're sitting in; is
14 that correct?

15 A. Yes.

16 Q. And you met on -- did you
17 meet on Tuesday or did you arrive late
18 Tuesday?

19 A. Briefly Tuesday.

20 Q. And then you met on
21 Wednesday as well, spent all day here?

22 MS. MILLER: Objection.

23 BY MR. DeROCHE:

24 Q. You can answer.

1 A. Most of the day.

2 Q. Okay. You looked at
3 documents?

4 A. Some documents, yes.

5 Q. Okay. You have an
6 understanding of what this case is about,
7 correct?

8 MS. MILLER: Objection.

9 THE WITNESS: Not -- not in
10 any great detail. I mean high
11 level. High level, but there's a
12 lot more I don't know than I do
13 know.

14 BY MR. DeROCHE:

15 Q. Sure. I think that applies
16 to most of us.

17 When did you find out that
18 you were being deposed in connection with
19 this case?

20 A. Early December maybe.

21 Q. Okay. So you've known for
22 approximately a month that your
23 deposition was going to be taken?

24 A. About that, yeah.

1 Q. Did you talk to any folks
2 from CVS who you used to work with, about
3 this deposition?

4 A. No.

5 Q. Other than the lawyers, have
6 you spoken to anybody else?

7 A. My wife knows I'm here.

8 Q. Other than her, no one else?

9 A. My son and daughter know I'm
10 here.

11 Q. Other than family, no
12 other -- no other individuals?

13 A. That's about it.

14 Q. Okay. So you didn't try to
15 reach out to folks you used to work with,
16 like Ms. Hinkle or --

17 A. No.

18 Q. -- anybody else?

19 A. No.

20 Q. Judy Hughes?

21 A. No. No.

22 Q. Do you stay in contact with
23 any people from CVS that you used to work
24 with?

1 A. Very few, but just an
2 occasional hello. But not -- like I
3 really haven't seen people that I worked
4 with from CVS or -- so...

5 Q. Did you leave on good terms
6 in your view?

7 MS. MILLER: Objection.

8 THE WITNESS: I mean I left
9 on my own.

10 BY MR. DeROCHE:

11 Q. You don't have any animosity
12 towards CVS?

13 MS. MILLER: Objection.

14 THE WITNESS: No. It was an
15 opportunity to be involved in a
16 lot of, you know, a lot of
17 responsibility and a lot of
18 project management work. And I
19 think professionally it was a good
20 opportunity, and at the time a
21 better opportunity developed.

22 BY MR. DeROCHE:

23 Q. Sure. Do you have clients
24 in Washington DC that you came to see or

1 did you just come for this deposition?

2 A. I came for the deposition.

3 Q. So since Tuesday, you
4 focused on this deposition that we're
5 having here today?

6 A. I've gone and -- getting
7 back to the hotel room, I've done some
8 work for other clients.

9 Q. Okay. All right. I want to
10 try to understand where logistics loss
11 prevention fit in the -- in the hierarchy
12 of CVS. I don't think I understand that
13 at all.

14 So can you explain logistics
15 loss prevention and where it fit in, in
16 terms of -- of the structure at CVS?

17 A. Sure. I was -- so I was a
18 part of the overall loss prevention
19 department. And there is a field loss
20 prevention department which would focus
21 on stores. There was logistics loss
22 prevention which focused, supported
23 distribution centers. There is also some
24 corporate support around loss prevention

1 also. And I believe there also was some
2 loss prevention support for some of the
3 Caremark mail order sites when I was
4 present.

5 Q. Okay. And so logistics loss
6 prevention focused primarily on the
7 distribution centers?

8 A. That was -- that was a --
9 you know, a big component. I also
10 provided some support to some of the
11 Caremark mail order sites from a safety
12 standpoint.

13 Q. That was under loss --
14 logistics loss prevention as well?

15 A. It was.

16 Q. Other than the safety
17 that -- oversight that you may have
18 provided to the Caremark mail order
19 division, otherwise besides that, you did
20 focus on the distribution centers?

21 A. That was my primary focus.
22 I mean I had a variety of
23 responsibilities during my career.
24 Some -- some retail, some corporate. But

1 I always had the distribution centers as
2 a main part of what I was doing.

3 Q. And when you took over as
4 director of logistics loss prevention,
5 were you sort of the top dog in the
6 logistics loss prevention department?

7 A. I managed the department,
8 so...

9 Q. And that was at least since
10 2005 you had held that position?

11 A. Yeah, again as I testified
12 earlier, I mean there's typical --
13 typical corporate America. I mean --

14 Q. Sure.

15 A. -- you can have same title
16 but different levels.

17 Q. Great.

18 A. So, you know, I was a
19 director level different in 2005 than say
20 a director level I was in, say, 2003.
21 But it was just a -- you know, it was
22 kind of an evolution as the company
23 continued to grow and even some of my
24 responsibilities grew.

1 Q. So the director level that
2 you attained in 2005 was, was that the
3 highest level -- director level --

4 A. No.

5 Q. -- in logistics loss
6 prevention?

7 MS. MILLER: Give him a
8 chance to finish his question,
9 please.

10 THE WITNESS: Oh, sorry.

11 BY MR. DeROCHE:

12 Q. Highest level in logistics
13 loss prevention.

14 A. There are -- you know, I
15 guess I was the director of logistics,
16 loss prevention. As far as my position
17 goes on the director level, I was
18 probably in the middle of the levels of
19 directors, like there could have -- you
20 know, there could have been another --
21 there could have been -- like I could
22 have attained another higher level of
23 director and still be in logistics, loss
24 prevention.

1 But there wasn't -- you
2 know, I certainly reported in to someone
3 else. But that individual had, you know,
4 other responsibilities.

5 Q. You reported to Judy Hughes,
6 I think you said; is that correct?

7 A. Yes.

8 Q. And was Ms. Hughes also
9 considered a director of logistics loss
10 prevention or did she have some other
11 title?

12 A. I believe she was just
13 director of loss prevention.

14 Q. Okay. She was -- so
15 logistics loss prevention is a department
16 within loss prevention?

17 A. It is. It is.

18 Q. She was at the loss
19 prevention level, as opposed to the
20 logistics loss prevention level?

21 MS. MILLER: Frank, just
22 give him a chance --

23 MR. DeROCHE: Yeah, sure.

24 MS. MILLER: -- so you're

1 not stepping on him.

2 BY MR. DeROCHE:

3 Q. Trying to get a distinction
4 so I understand. So in terms of
5 directors of logistics, loss prevention,
6 you were -- you were the top person of
7 logistics, loss prevention as of 2005?

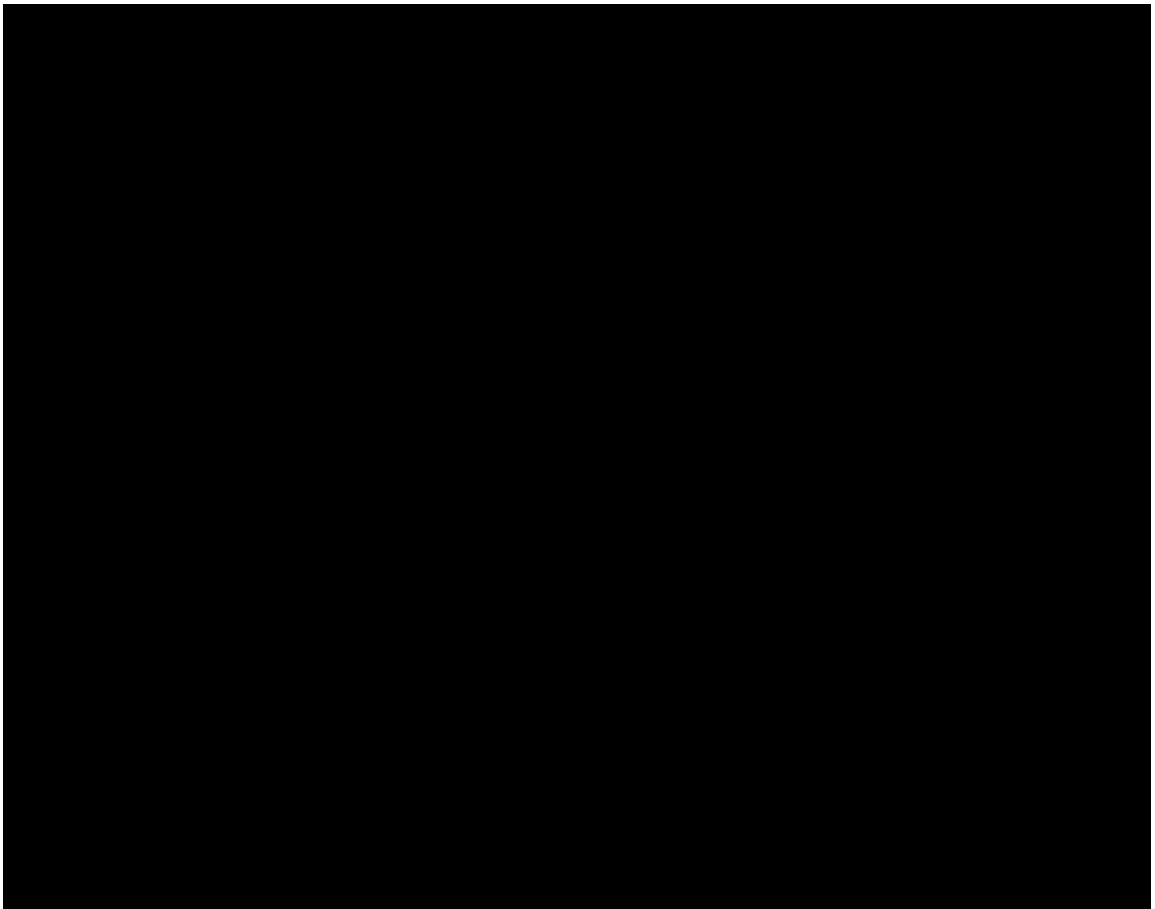
8 MS. MILLER: Objection.

9 BY MR. DeROCHE:

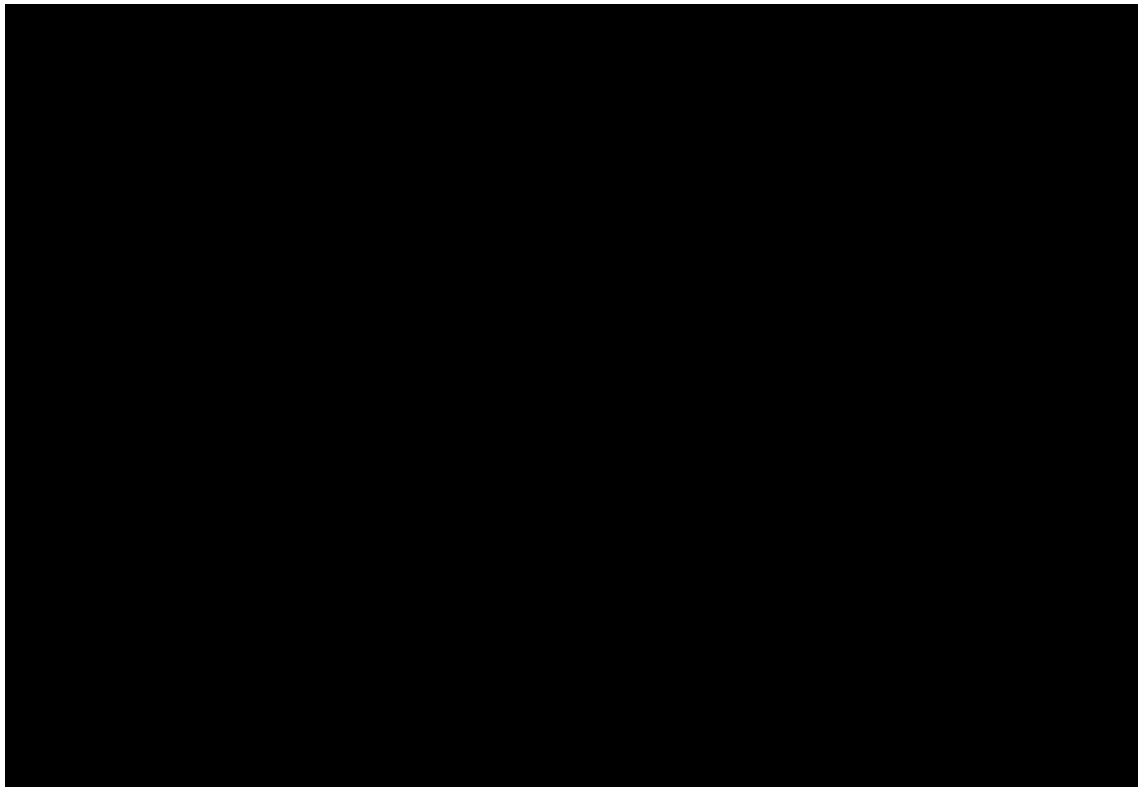
10 Q. Is that correct?

11 A. My title was director of
12 logistics, loss prevention.

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BY MR. DeROCHE:

Q. Sure. I understand.

Everyone needs got a boss.

A. Right. And even -- you know, and --

Q. At least at home, but be that as it may.

A. Even, like, my business card would say director of logistics loss prevention. You know, from a -- I guess a budgetary payroll standpoint, it may just say director loss prevention. Director 1 or Director 2. CVS was big -- changed, you know, grading systems and

1 whatnot so.

2 Q. I understand it was a
3 multi-billion dollar company at the time
4 that you were there. Probably even
5 bigger now.

6 MS. MILLER: Objection.

7 BY MR. DeROCHE:

8 Q. So there was many levels of
9 corporate structure, I would assume, that
10 you had to answer through?

11 MS. MILLER: Objection.

12 THE WITNESS: Can you repeat
13 that?

14 BY MR. DeROCHE:

15 Q. Did you have -- let's put it
16 this way. Logistics, loss prevention,
17 did you have a budget?

18 A. Yes.

19 Q. And you were ultimately
20 responsible for budget issues, I take it,
21 as the director?

22 A. For my piece of the pie.

23 Q. Right.

24 A. The overall loss prevention

1 budget, I was tasked with managing that.

2 Q. Okay. You knew that at
3 least with respect to the Rx distribution
4 centers, that they had a license that was
5 issued by the Drug Enforcement Agency,
6 correct?

7 A. Yes.

8 Q. And were you responsible as
9 director of logistics, loss prevention in
10 ensuring that those licenses were
11 maintained?

12 MS. MILLER: Objection.

13 THE WITNESS: I'm not sure
14 quite what you mean by maintained.

15 BY MR. DeROCHE:

16 Q. Excuse me?

17 A. I'm not quite sure what you
18 mean by maintained.

19 Q. That each of the -- each of
20 the Rx distribution centers continued to
21 be licensed by the Drug Enforcement
22 Agency to distribute controlled
23 substances.

24 MS. MILLER: Objection.

1 THE WITNESS: There was a --
2 you know, people responsible for
3 licensing and registration within
4 company.

5 BY MR. DeROCHE:

6 Q. Okay. So logistics loss
7 prevention didn't handle that?

8 A. No. Like if you, like to
9 renew a DEA license, I wouldn't be
10 involved in that.

11 Q. Okay. What about complying
12 with the conditions upon which that
13 license is issued?

14 MS. MILLER: Objection.

15 THE WITNESS: It could be
16 maybe certain components, but
17 not -- not full responsibility for
18 all of it.

19 BY MR. DeROCHE:

20 Q. Okay. The component -- one
21 of the components -- one of the
22 conditions, I like to call it, to the
23 license is that the distribution centers
24 design and maintain a system to identify

1 suspicious orders?

2 MS. MILLER: Objection.

3 BY MR. DeROCHE:

4 Q. You're aware of that, right?

5 MS. MILLER: Objection.

6 THE WITNESS: As per the --

7 yes.

8 BY MR. DeROCHE:

9 Q. Okay. And you understood
10 that there was, in fact, a division
11 within the DEA that was called the
12 department of diversion that focused on
13 the diversion of controlled drugs from
14 the legal use of those drugs. You're
15 aware that there's a diversion
16 department?

17 A. I wouldn't necessarily use
18 that term. I mean, just -- to me, the
19 DEA was the DEA.

20 Q. Well, they sent diversion
21 investigators at times to inspect --

22 A. Right, right.

23 Q. Right. So you know --

24 A. But we just -- we always

1 just said the DEA is here.

2 Q. DEA is showing up, knocking
3 on the door?

4 A. Right. We didn't I guess
5 formally get into the exact title. It
6 was just, the DEA is here.

7 Q. And you understood that the
8 concern of DEA was that controlled
9 substances like hydrocodone combination
10 products not be diverted into street
11 drugs, for lack of a better term, right?

12 MS. MILLER: Objection.

13 BY MR. DeROCHE:

14 Q. You understood that, right?

15 MS. MILLER: Objection.

16 THE WITNESS: I mean, I
17 looked at my role to ensure the
18 safety and security of control
19 drugs, you know, upon receipt into
20 the distribution center, and then
21 to upon delivery to the CVS retail
22 store.

23 BY MR. DeROCHE:

24 Q. Except the retails -- well,

1 part of the responsibility as you've been
2 talking about all day today, for a
3 distribution center, was to ensure that
4 orders were legitimate orders that
5 weren't going to lead to diversion.
6 You're aware of that?

7 MS. MILLER: Objection.

8 THE WITNESS: Again, I think
9 I spoke earlier. I was protecting
10 the integrity, you know, from a
11 security, safety standpoint and to
12 ensure that they are, you know,
13 falling into the proper hands.

14 BY MR. DeROCHE:

15 Q. Correct. Because if they
16 fall into the -- not the proper hands,
17 again you have things like an epidemic of
18 opioid use of prescription drugs.

19 MS. MILLER: Objection.

20 BY MR. DeROCHE:

21 Q. And obviously you don't want
22 that, right?

23 MS. MILLER: Objection.

24 THE WITNESS: No. I mean,

1 my -- my focus really was, you
2 know, during my time there, I
3 mean, it was, you know, preventing
4 theft. I mean, that was, you
5 know -- as far as other terms or
6 whatnot, it was just, you know, we
7 discussed, you know, how to ensure
8 the safety and security of the
9 control drugs.

10 BY MR. DeROCHE:

11 Q. I understand that, you know,
12 theft can be one component by which drugs
13 are diverted. But you recognize, don't
14 you, and didn't you recognize at the
15 time, that diversion could occur through
16 other means besides theft?

17 MS. MILLER: Objection.

18 Asked and answered.

19 THE WITNESS: Ultimately,
20 it's theft.

21 BY MR. DeROCHE:

22 Q. Even if the drugs are paid
23 for to CVS?

24 MS. MILLER: Objection.

1 THE WITNESS: I guess part
2 of it would be a case-by-case
3 basis. You would have to look at
4 how was it paid for. Was it, you
5 know, a legitimate prescription.
6 I mean, there's a lot -- a lot
7 goes into it. I've always, you
8 know shied away from just blanket
9 statements.

10 BY MR. DeROCHE:

11 Q. Sure.

12 A. I mean, just -- each
13 situation, it's separate and, you know,
14 you have to evaluate the facts.

15 Q. Sure. There could be
16 varying ways through which drugs are
17 diverted besides theft. You just
18 mentioned one, illegitimate prescription.
19 Even if it's brought in, filled, and the
20 full price is paid to CVS, that could be
21 an instance of diversion, just like if
22 someone stole it off the shelf. You
23 agree with that, right?

24 MS. MILLER: Objection.

1 THE WITNESS: Again, I come
2 back to, you know, having -- I'm
3 responsible to protect the
4 controls and the safety and
5 security and make sure they fall
6 into the proper hands. I mean,
7 that's -- that's the ultimate
8 goal.

9 BY MR. DeROCHE:

10 Q. Right. And that was one of
11 the conditions to the distribution
12 centers getting their license from the
13 DEA to distribute these drugs, is that
14 CVS played by the rules and did its part
15 to police and prevent diversion of those
16 drugs?

17 MS. MILLER: Objection.

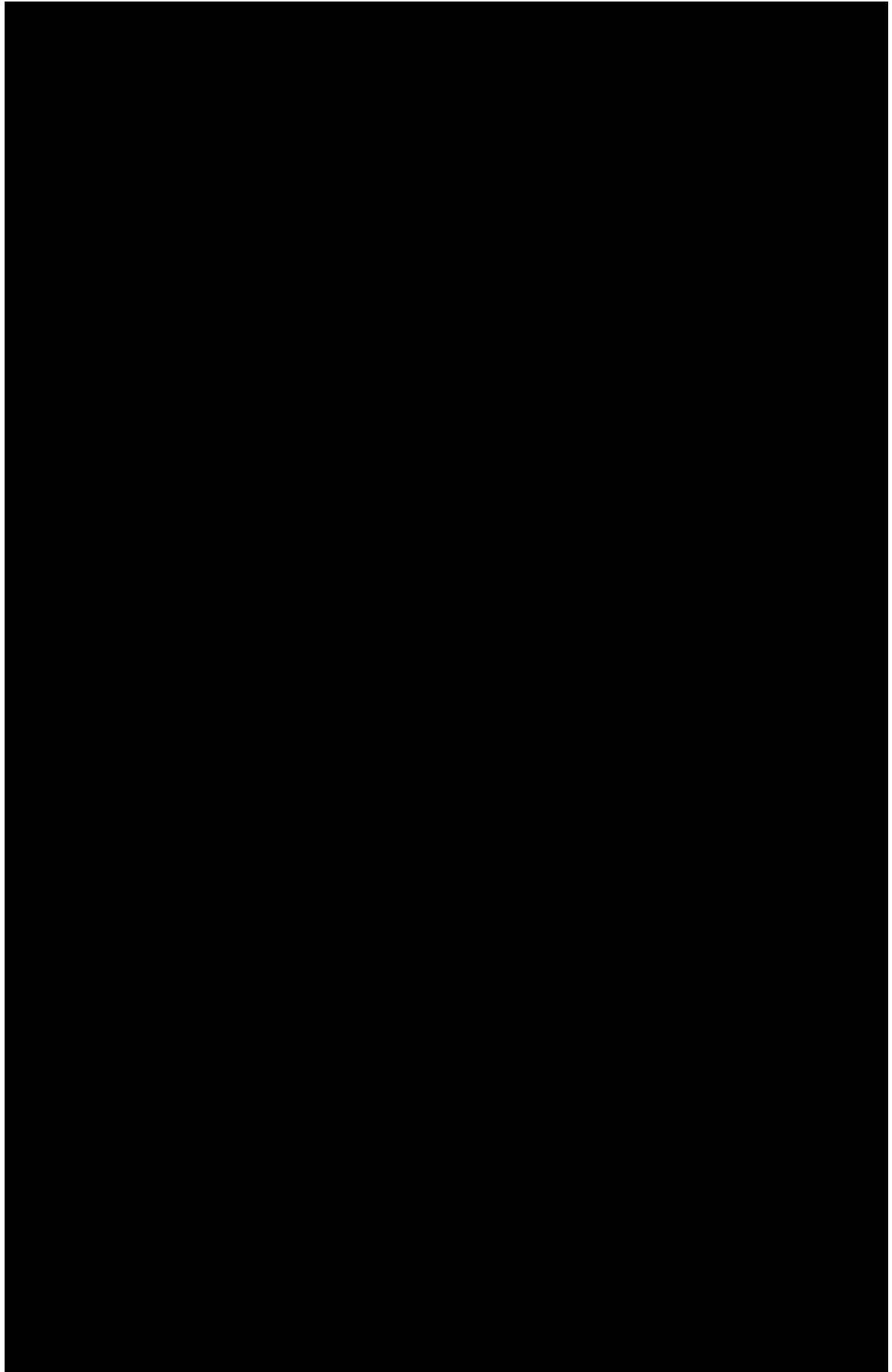
18 BY MR. DeROCHE:

19 Q. You would agree, right?

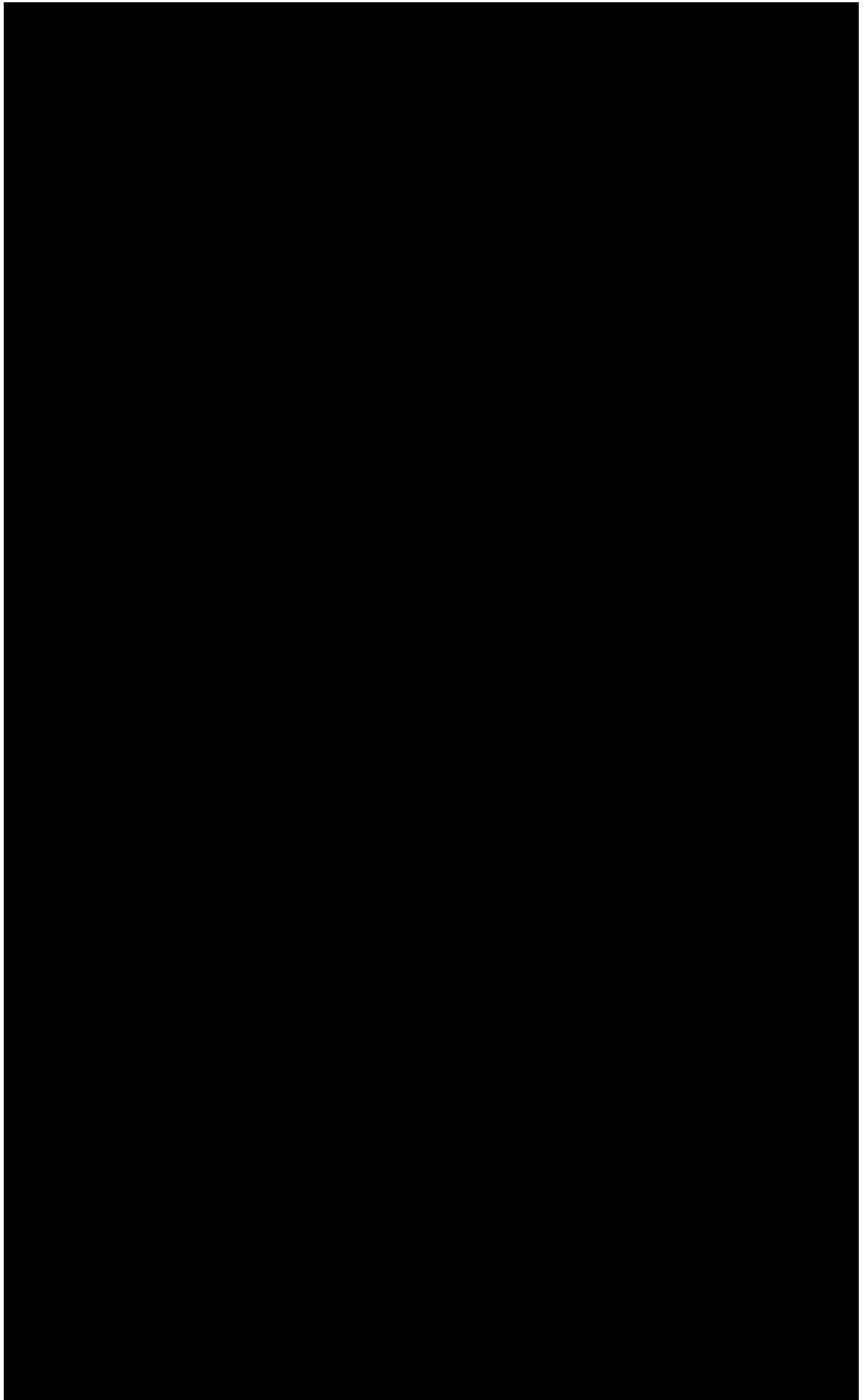
20 A. You know, I -- you know, I
21 guess when I was involved I was, you
22 know, certainly to ensure we were meeting
23 the requirements of the DEA regulations.
24 I mean that's -- that's what, you know,

1 my focus was always on.

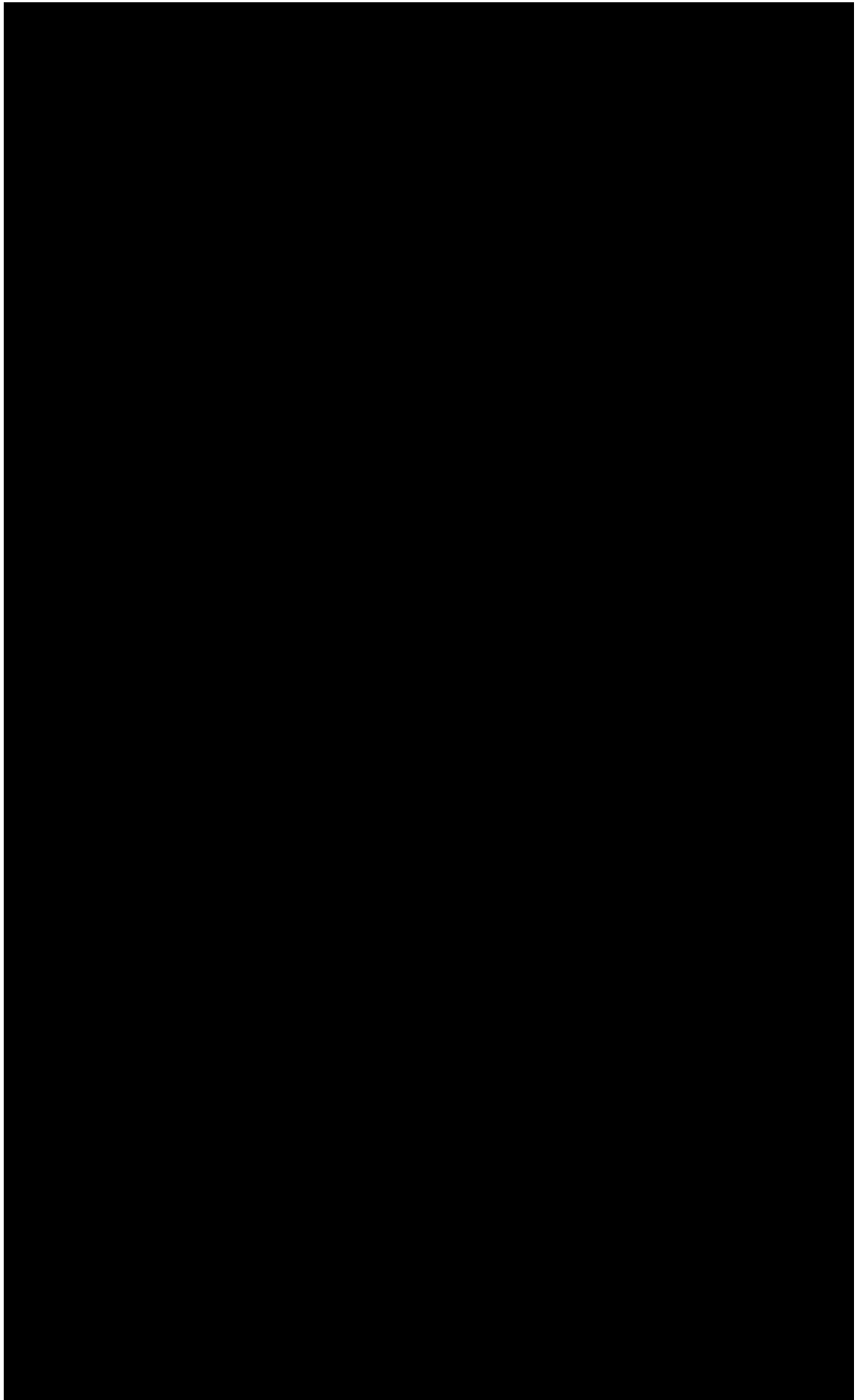
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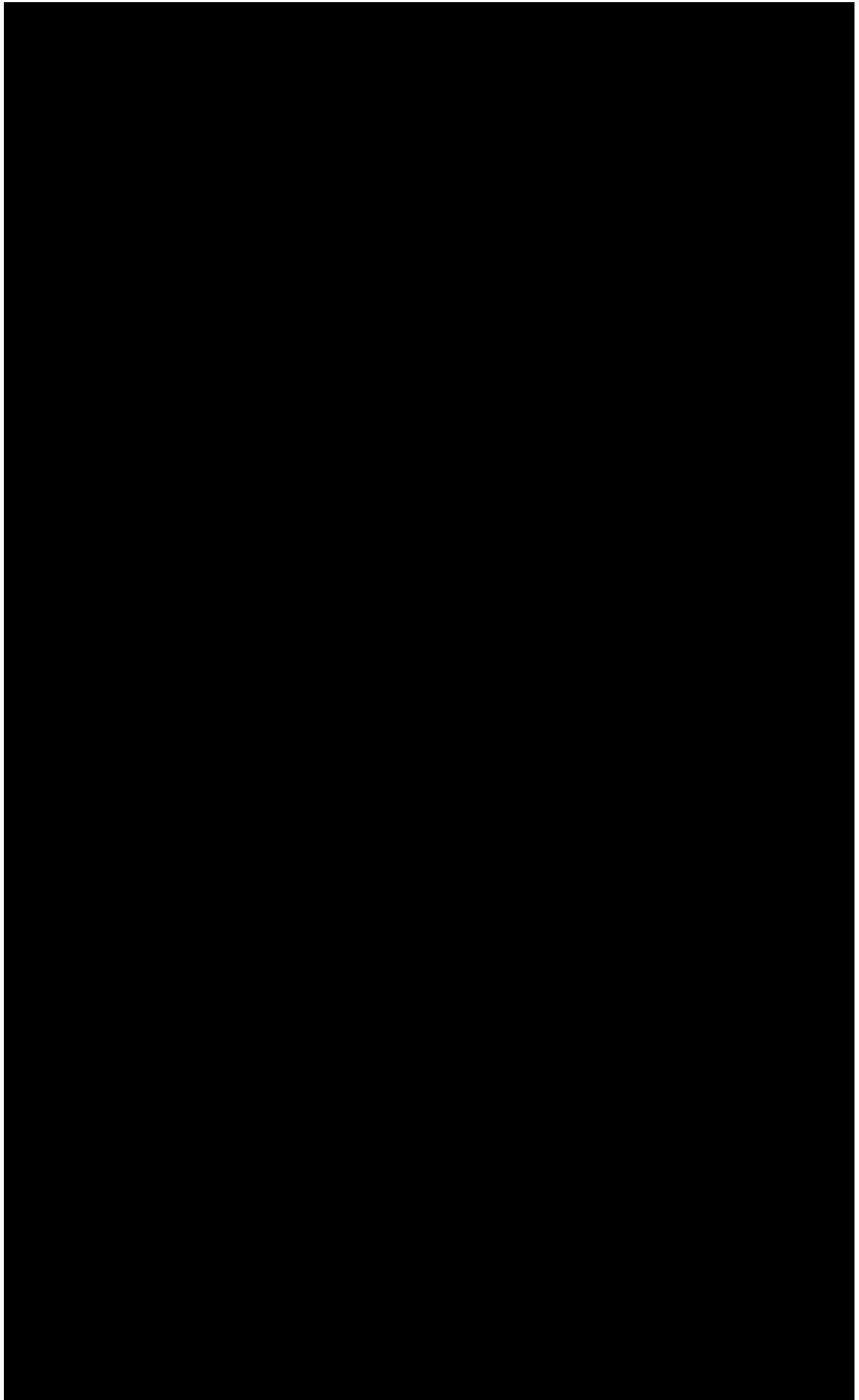
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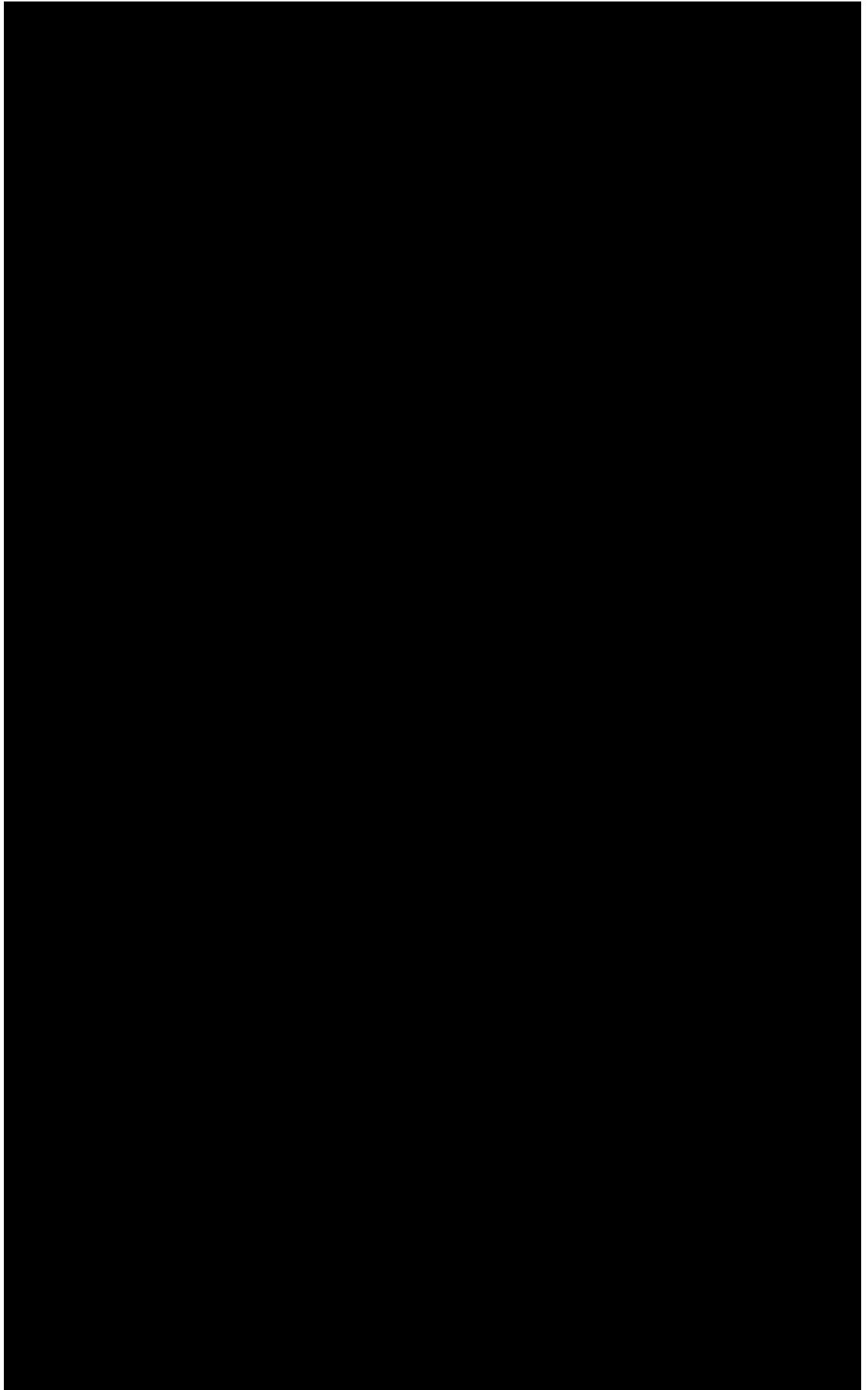
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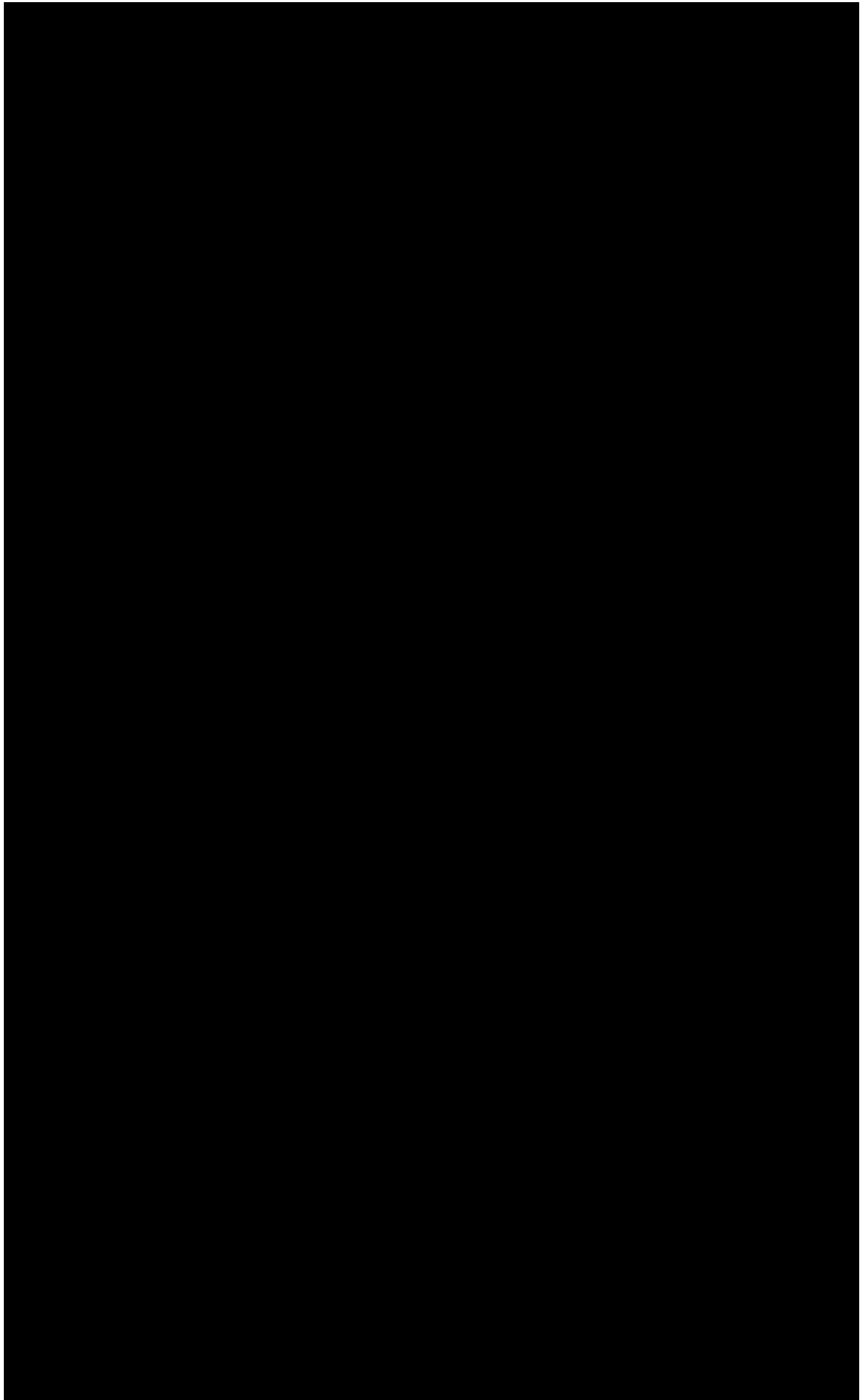
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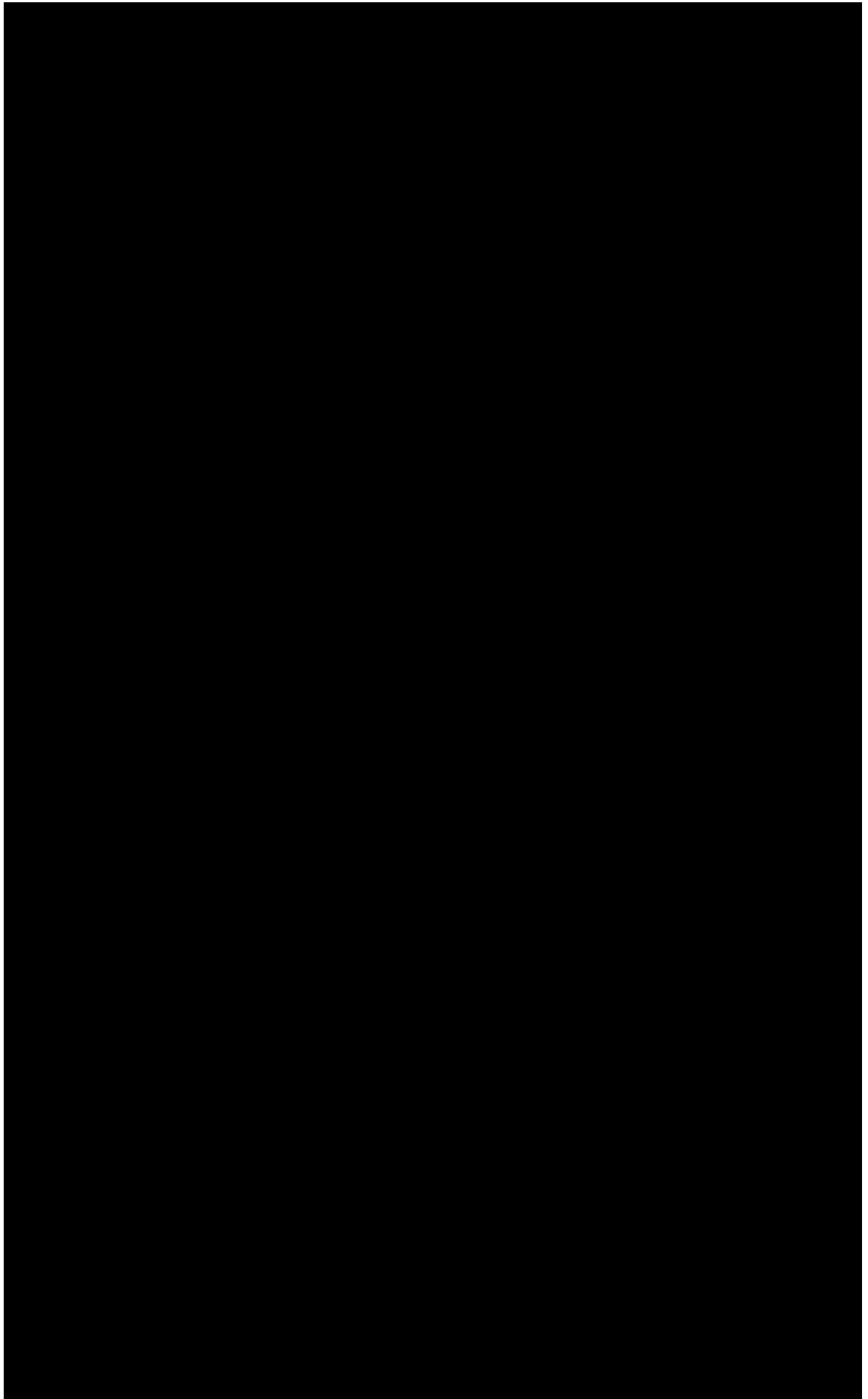
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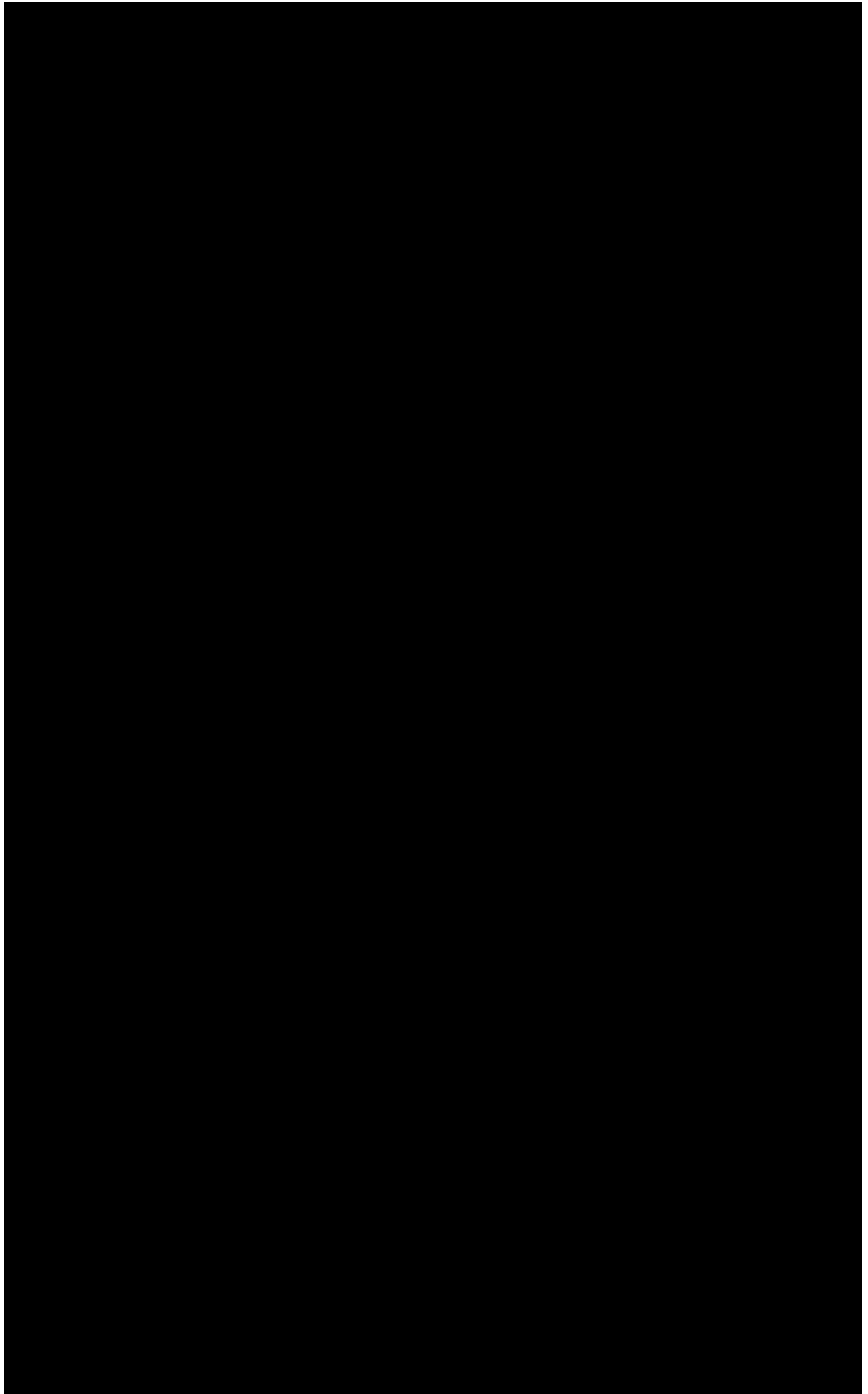
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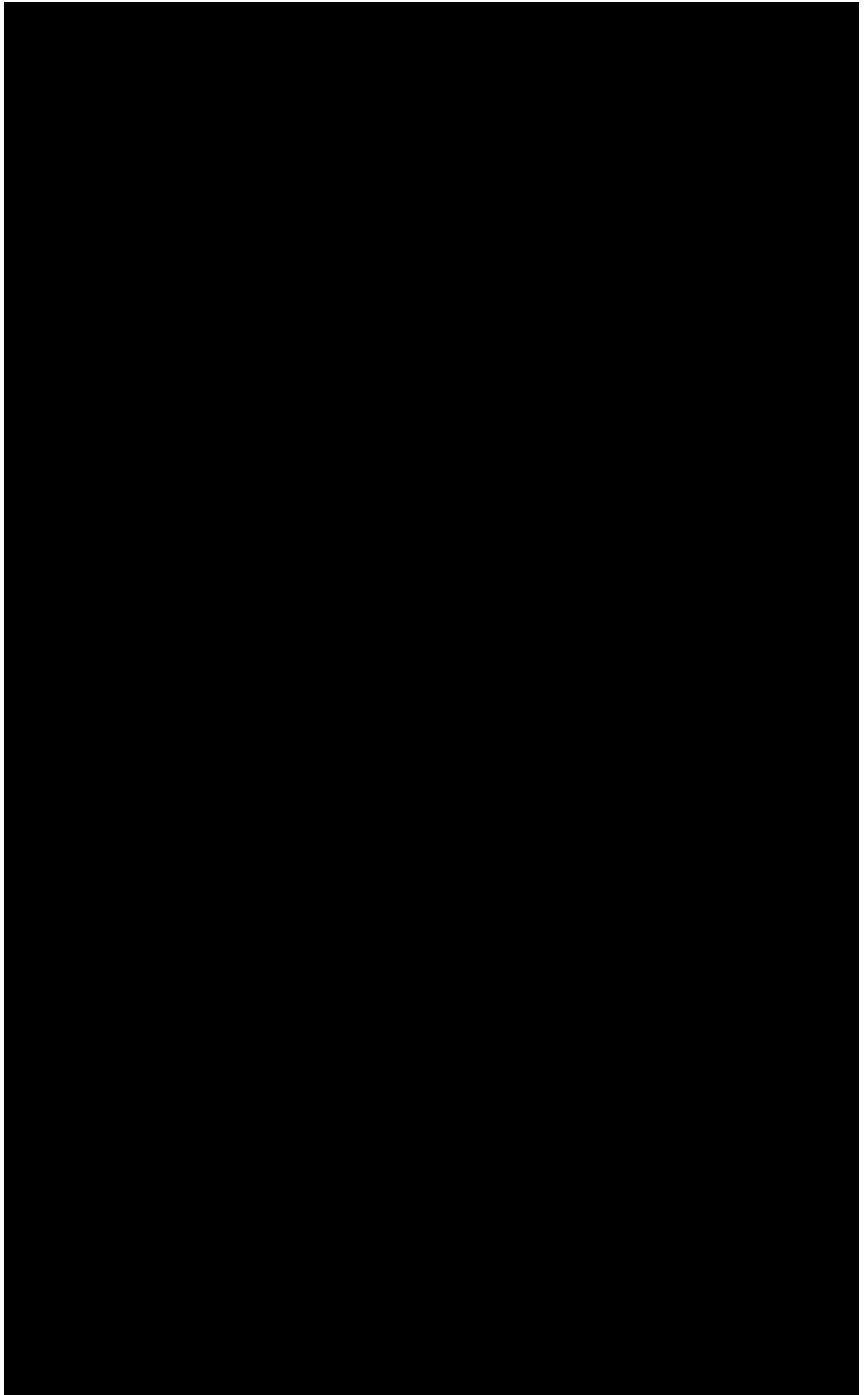
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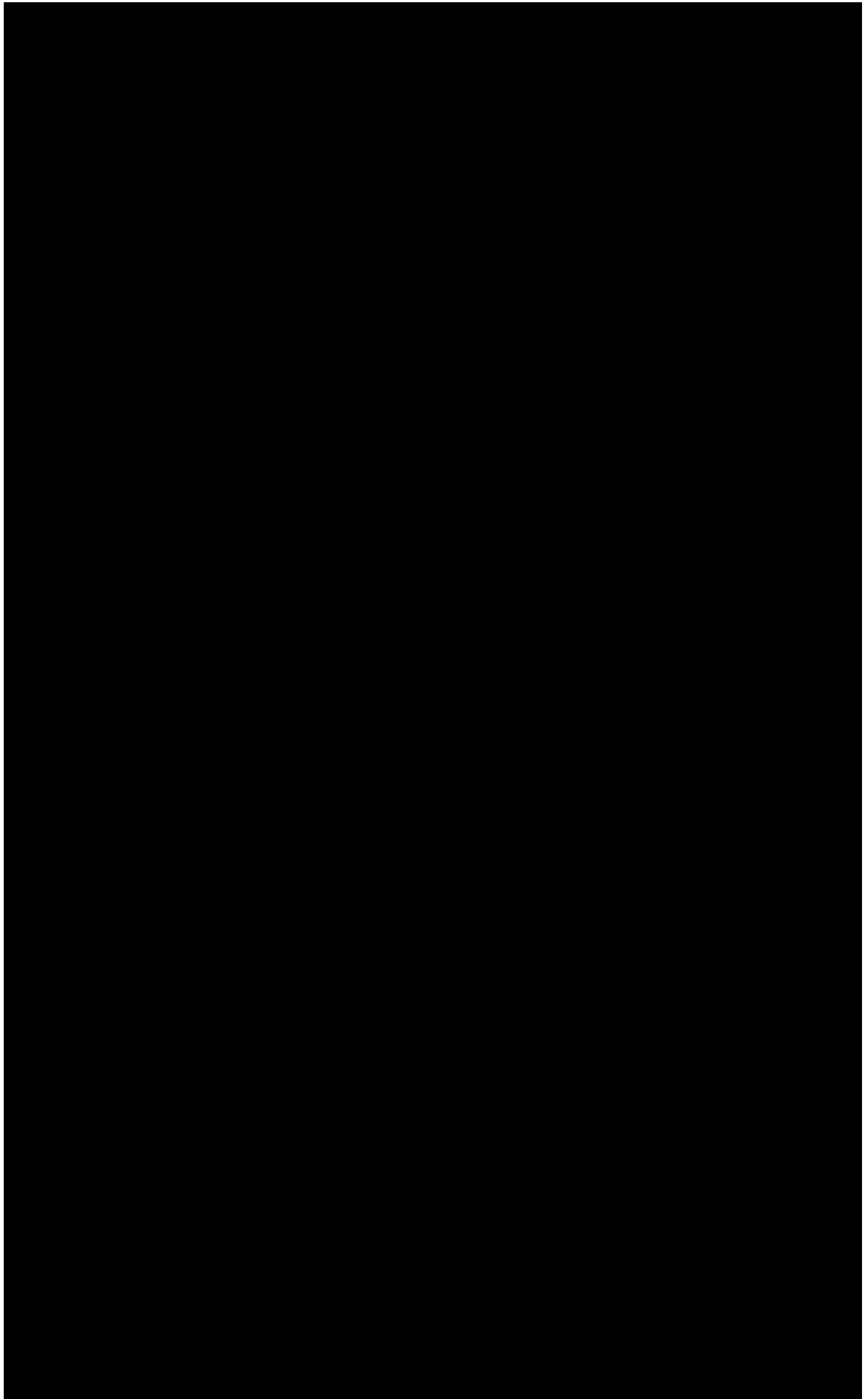
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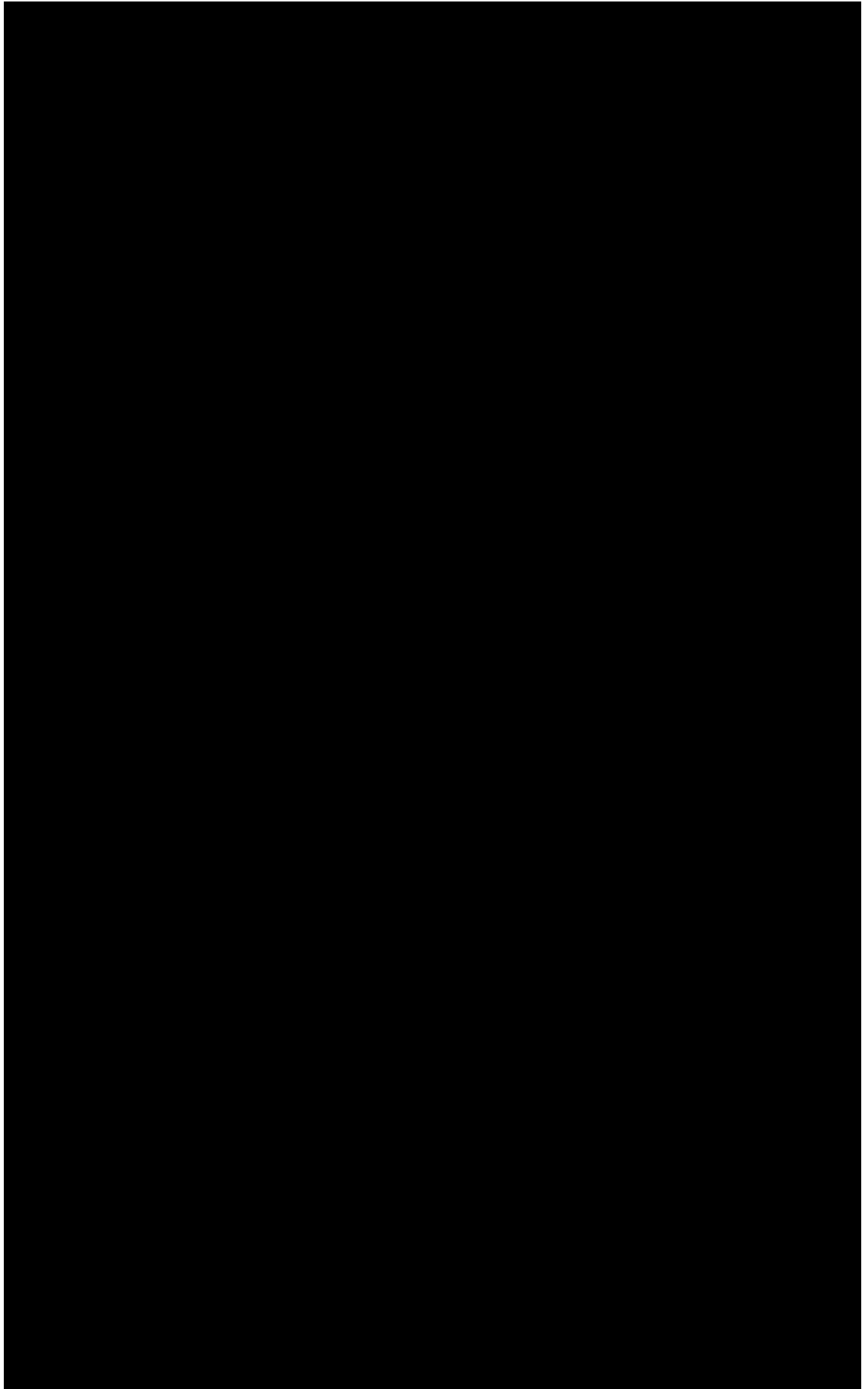
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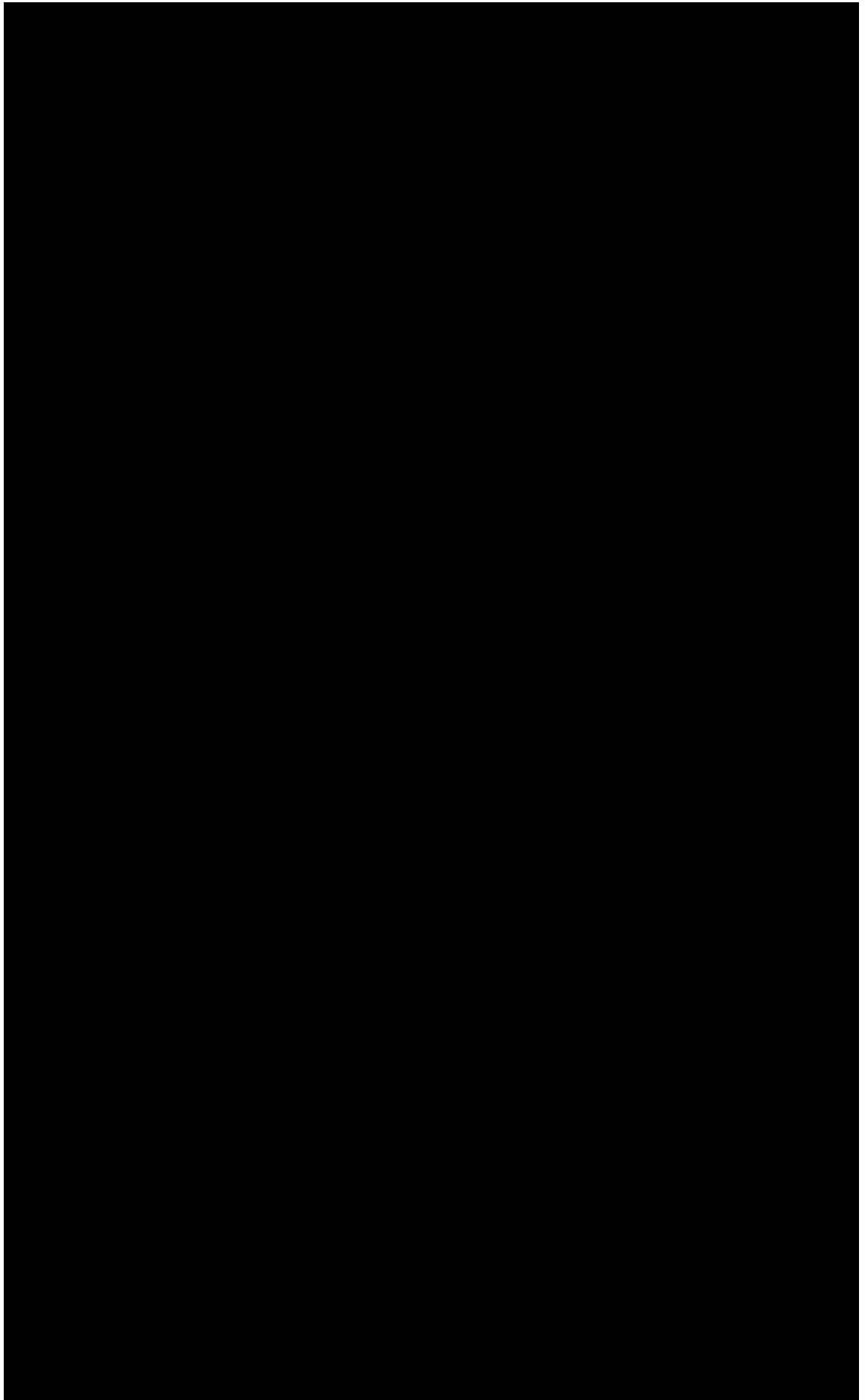
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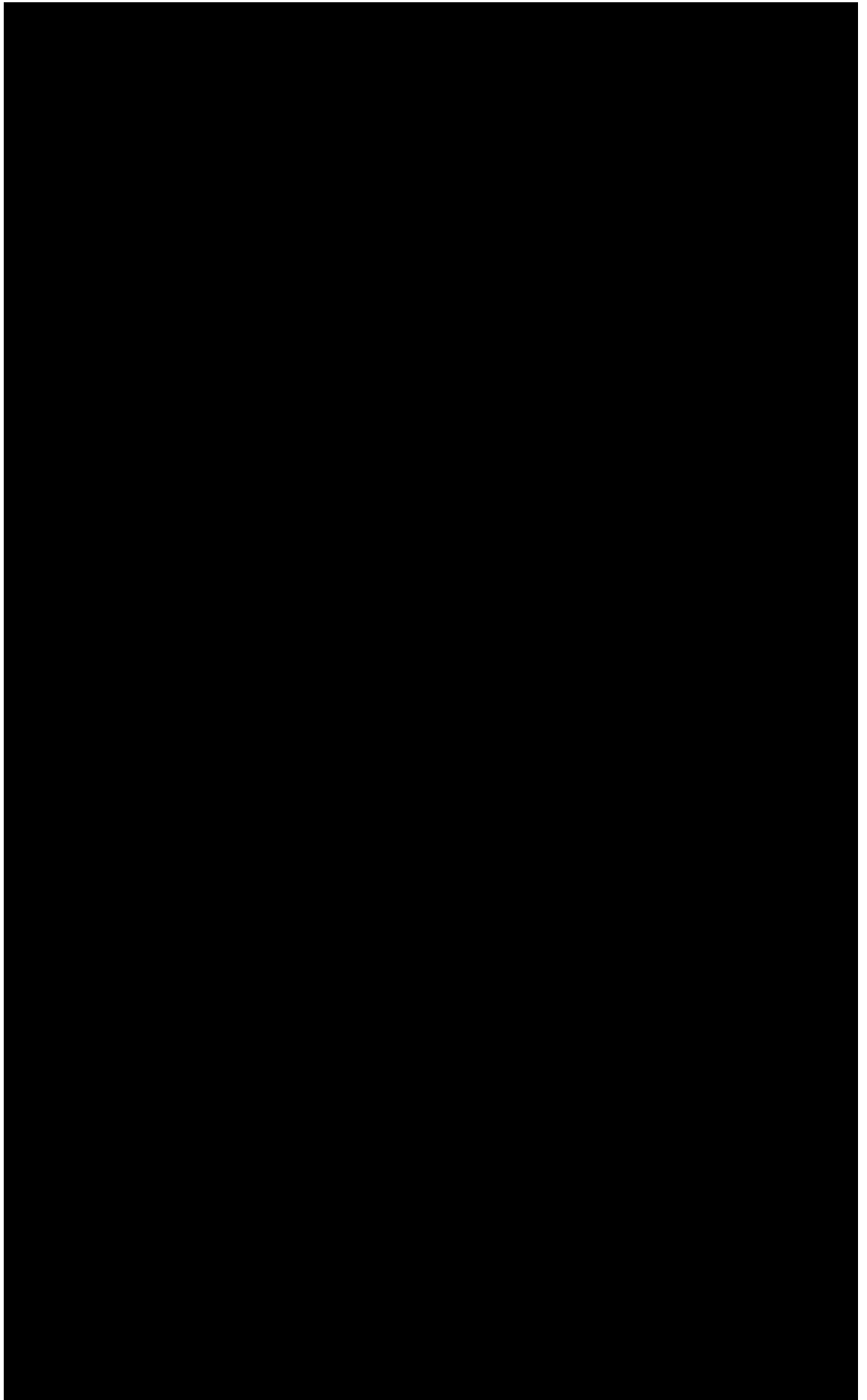
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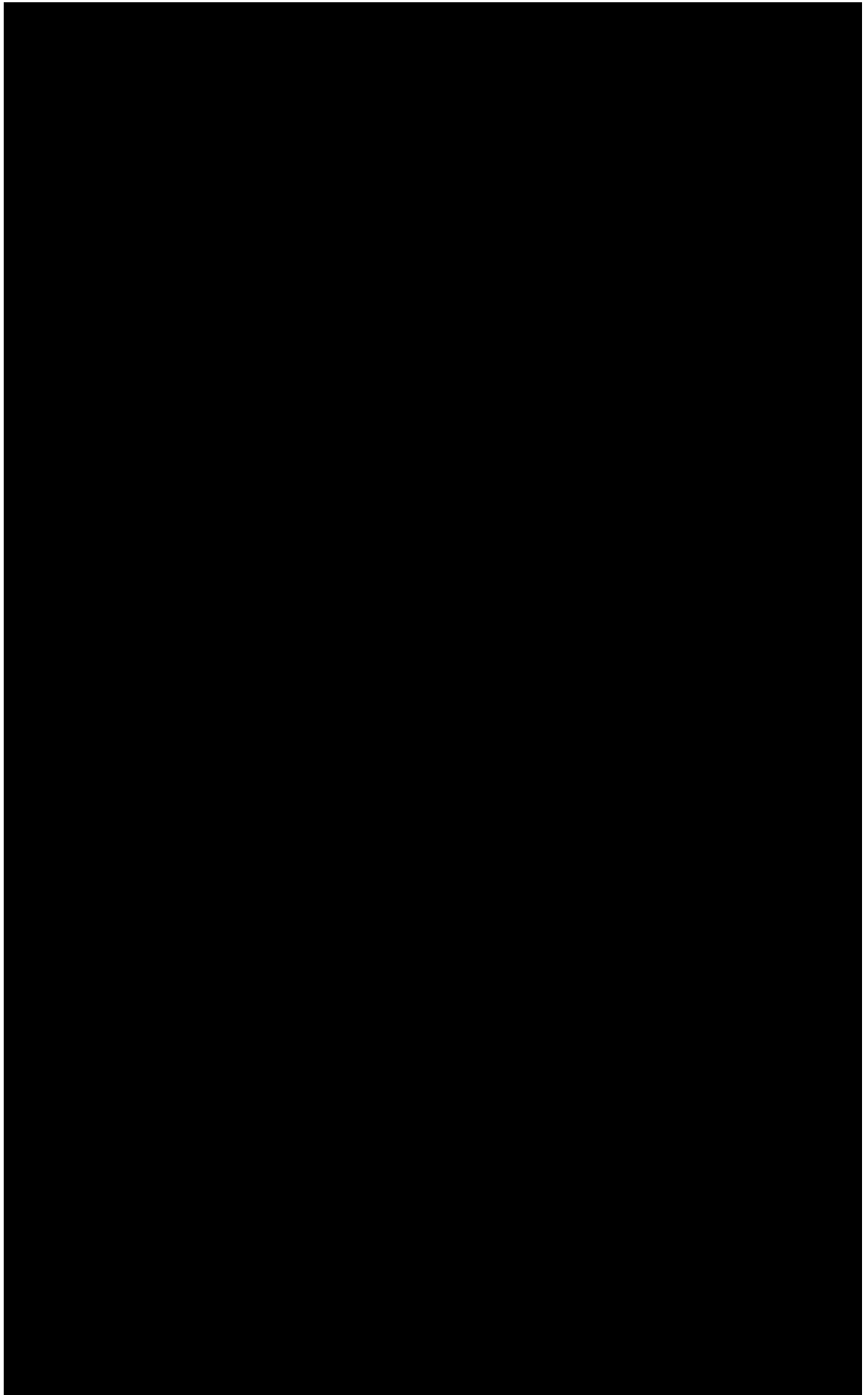
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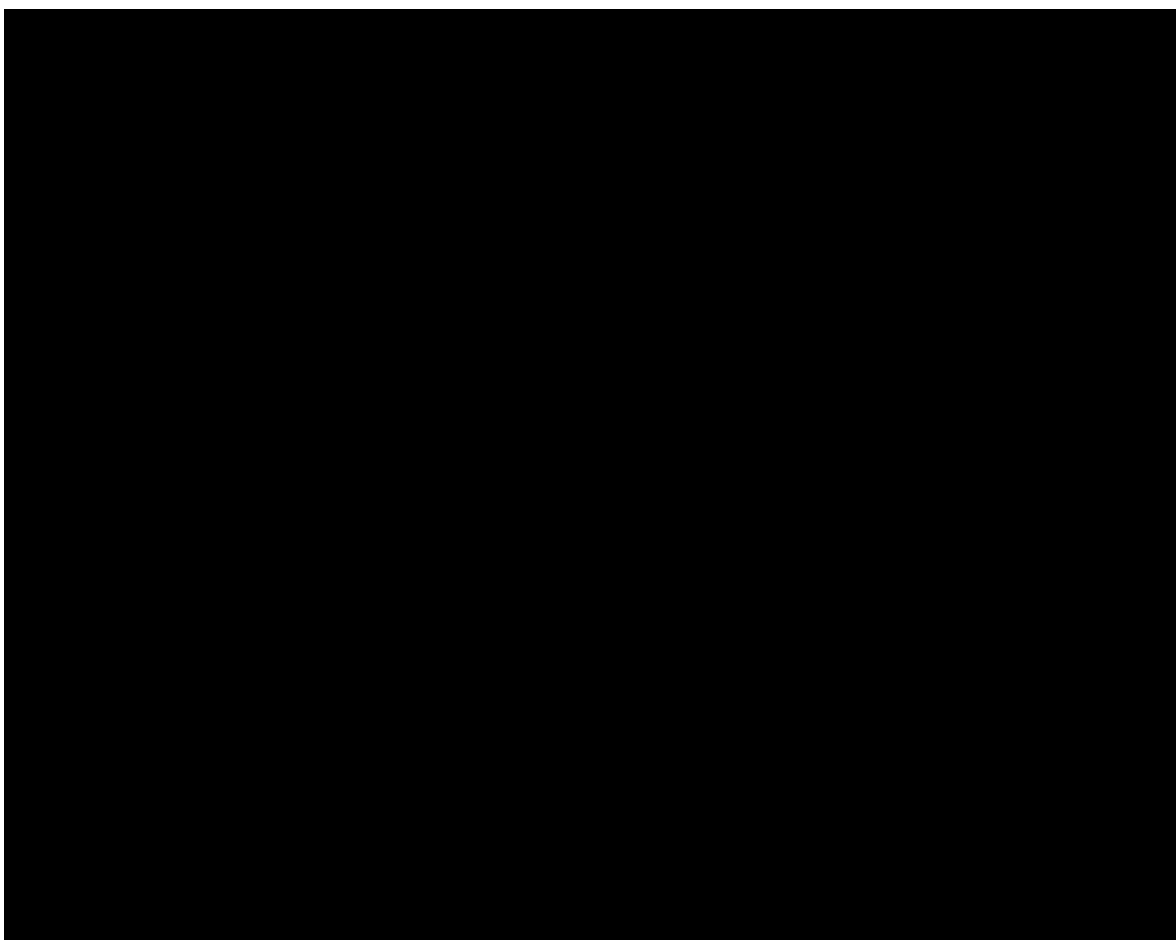
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Q. Okay. And in terms of the use of the PDMR, was there any kind of written policy that incorporated the PDMR into any kind of system to identify suspicious orders?

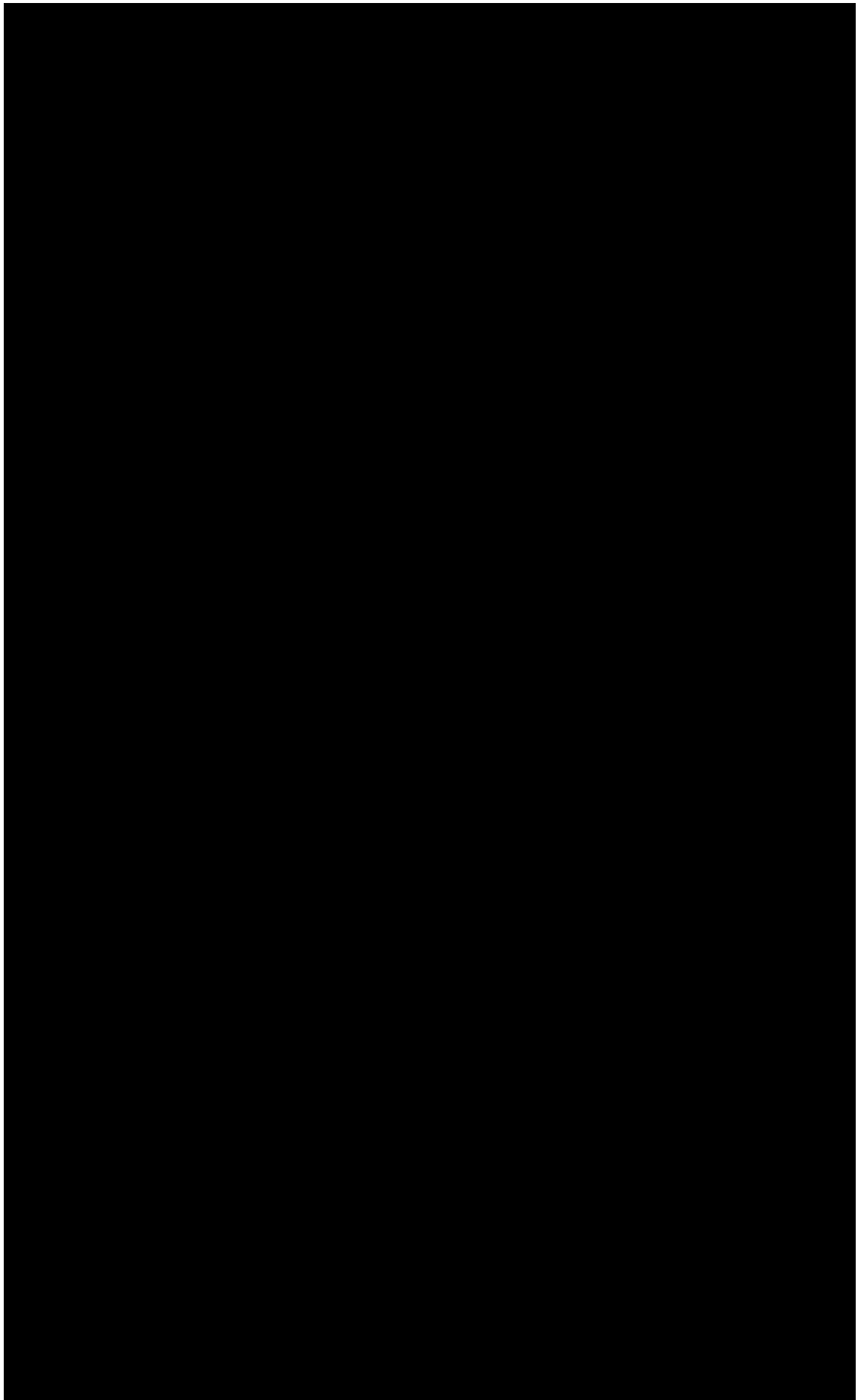
A. I don't recall the PDMR procedures. It's not a system that I used or I was familiar with, so I --

Q. Your answer is no?

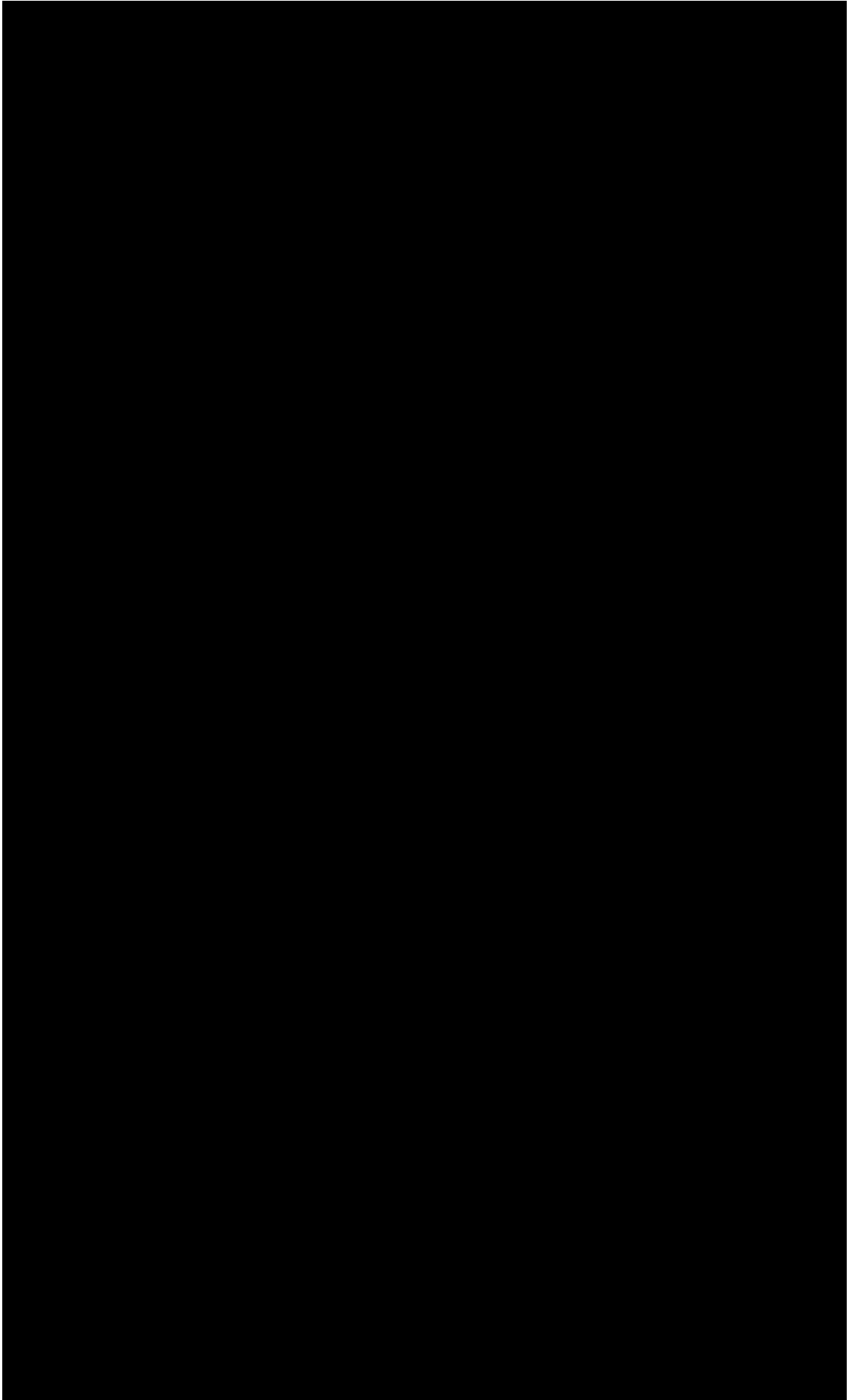
A. I really couldn't answer that.



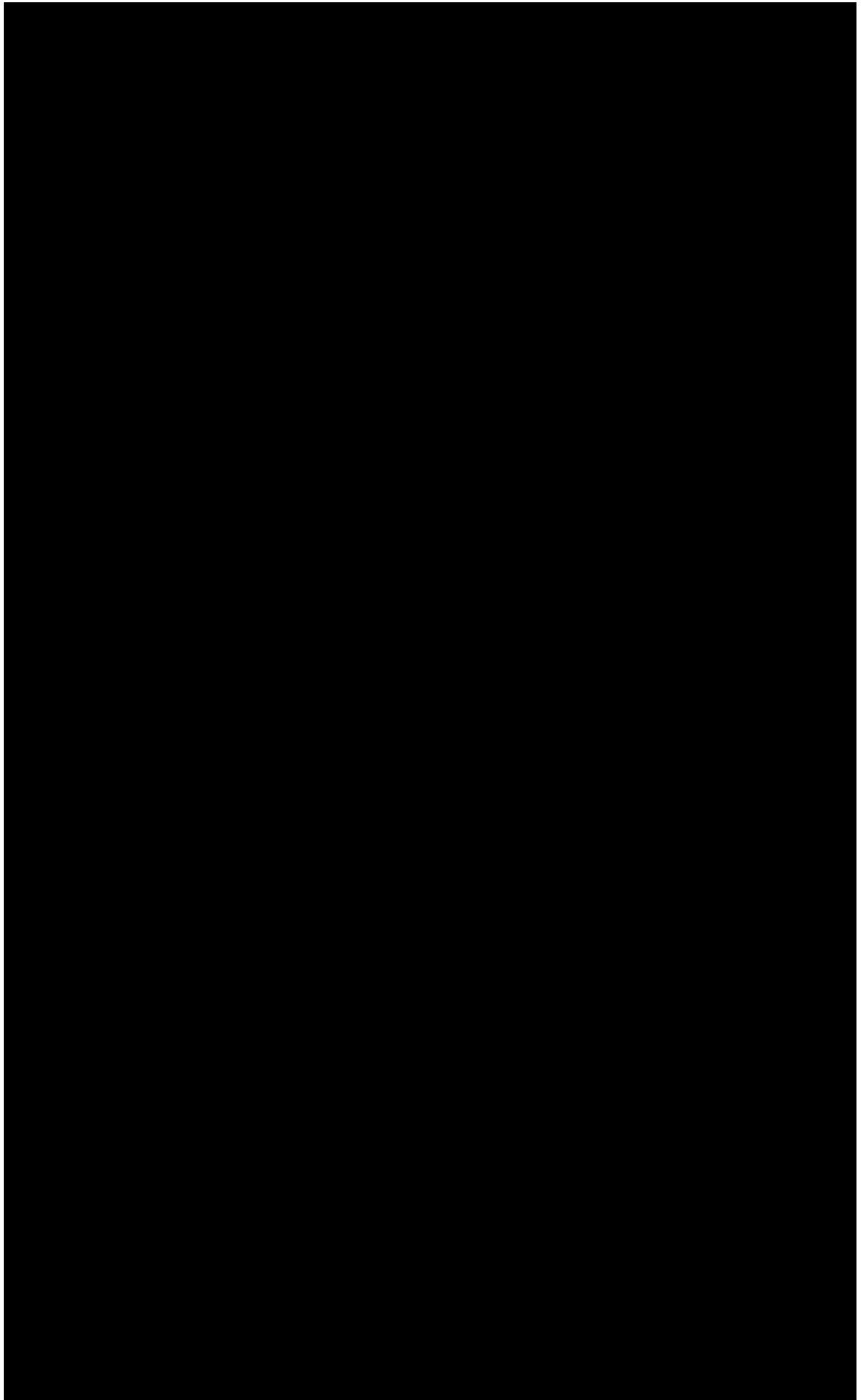
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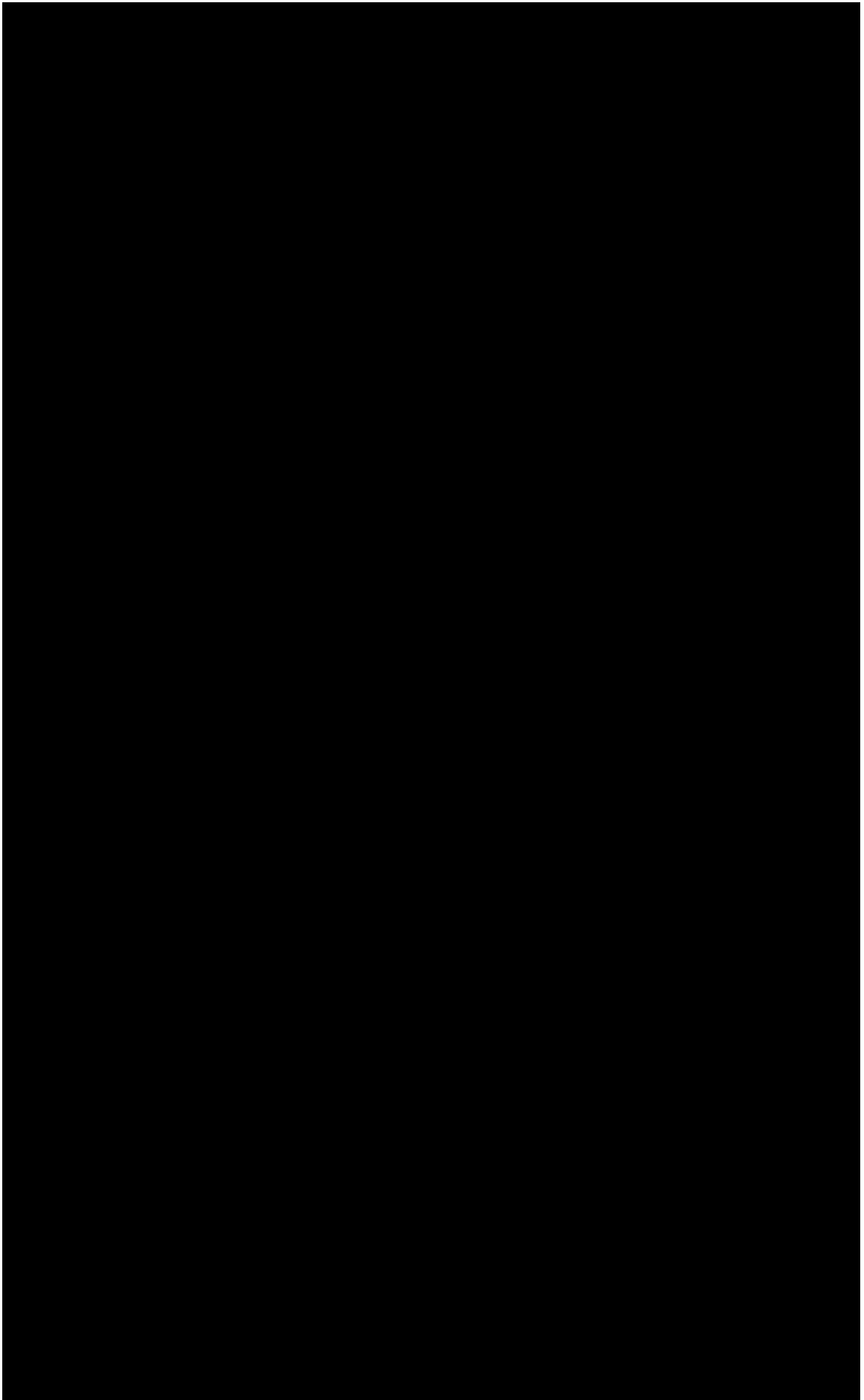
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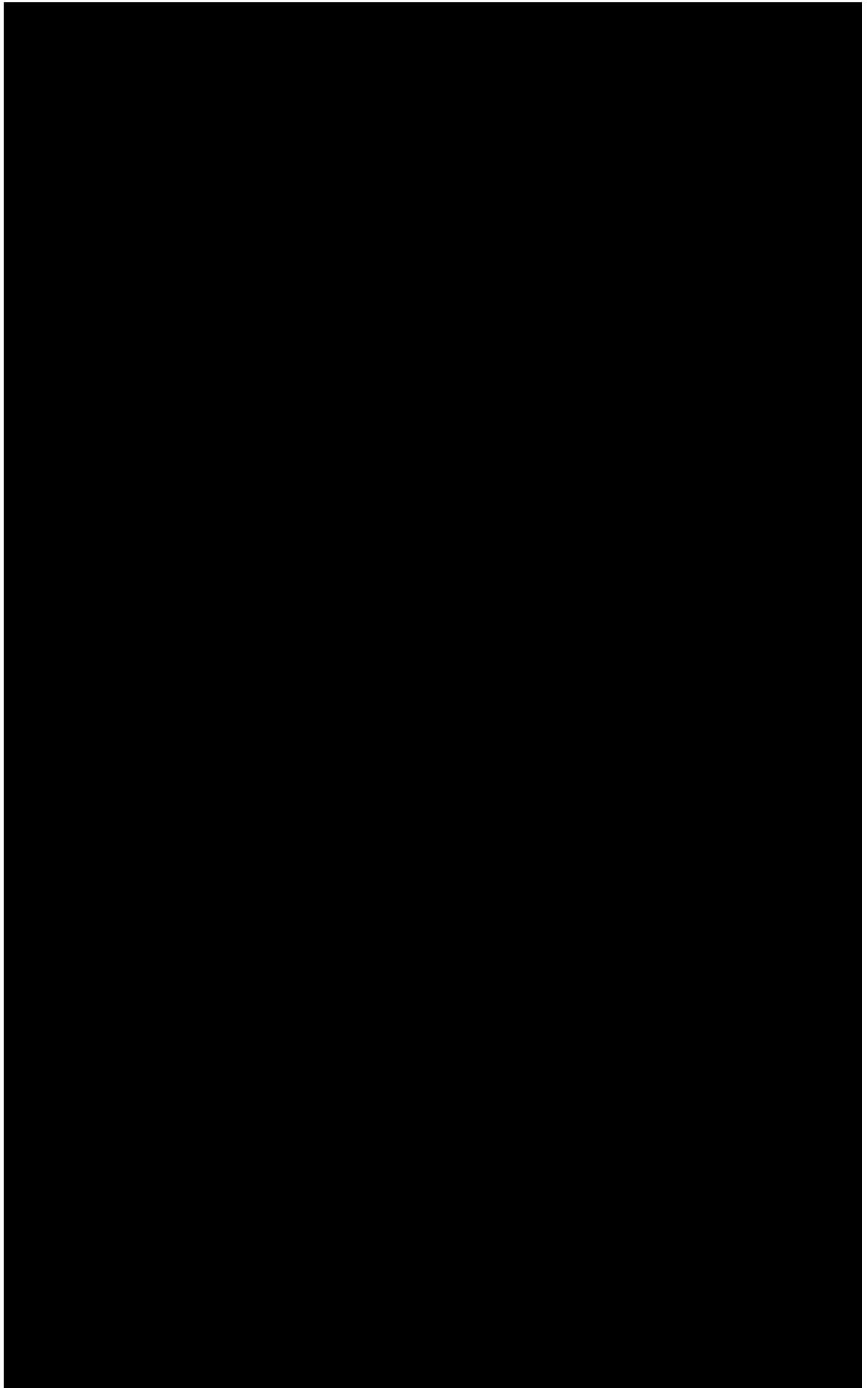
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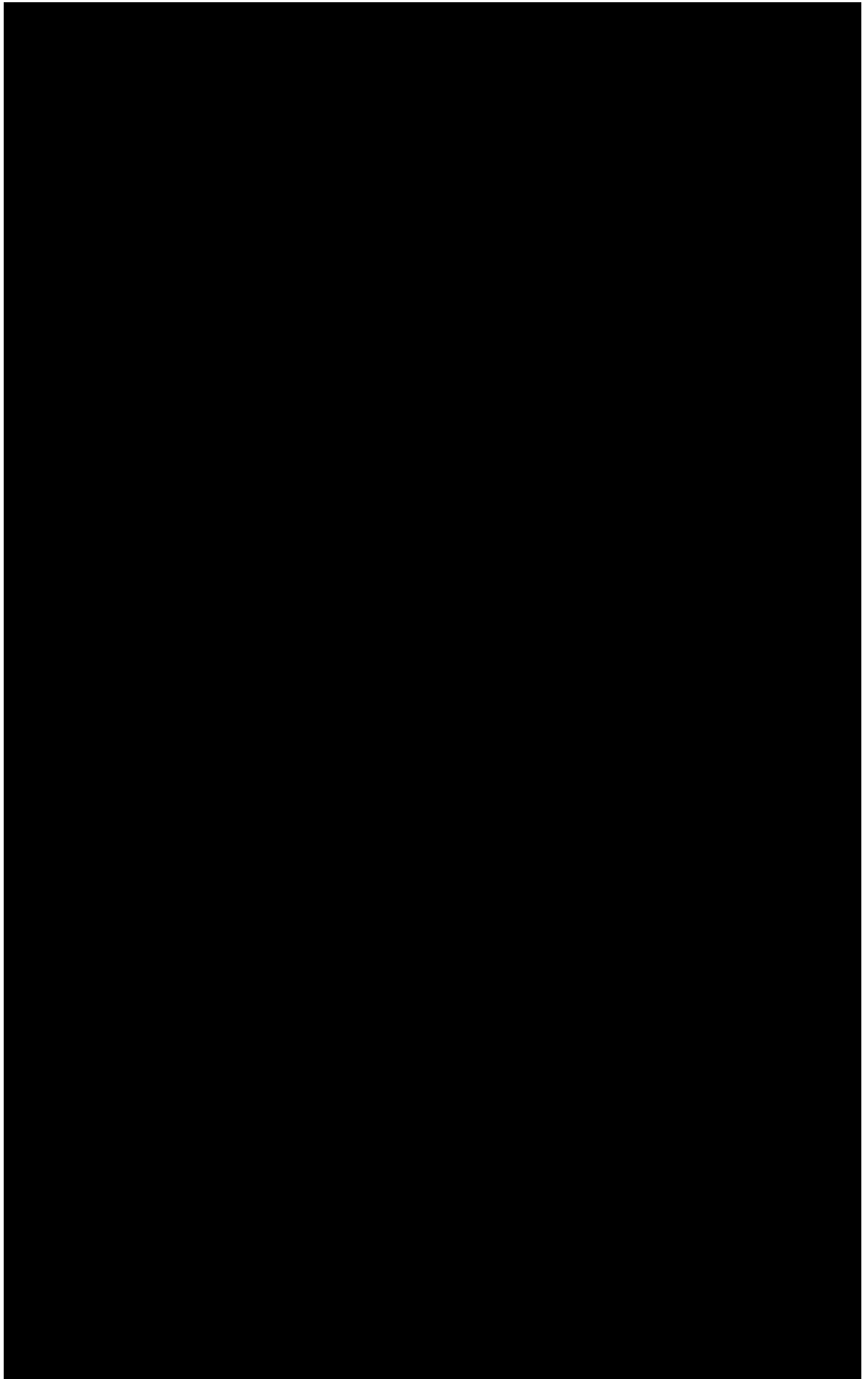
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1 Q. Okay. Are you familiar with
2 a gentleman named Terrence Dugger?

3 A. Yes.

4 Q. Okay. And what was
5 Mr. Dugger?

6 A. He was a loss prevention
7 manager.

8 Q. At the Indianapolis DC?

9 A. At the time, yes.

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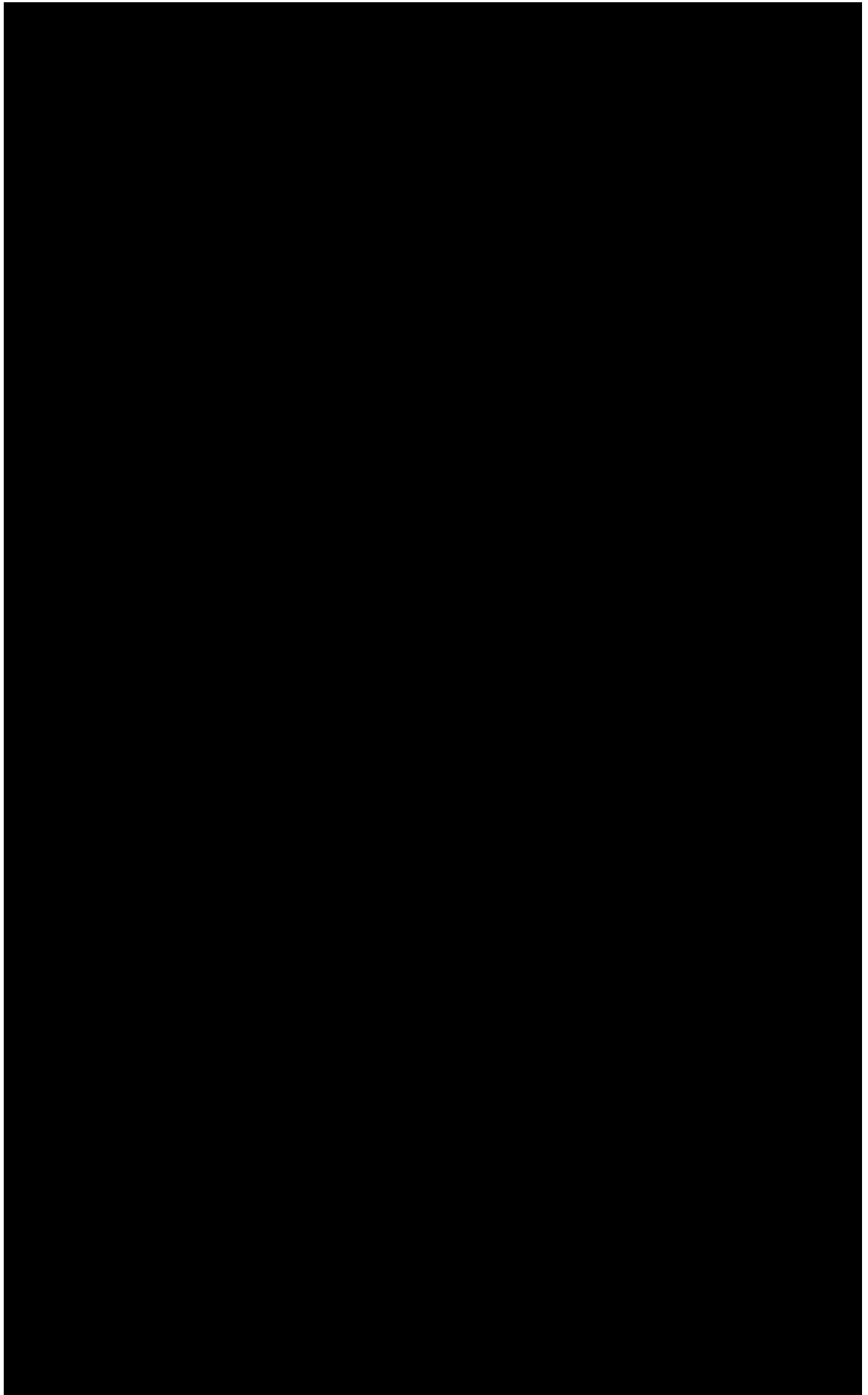
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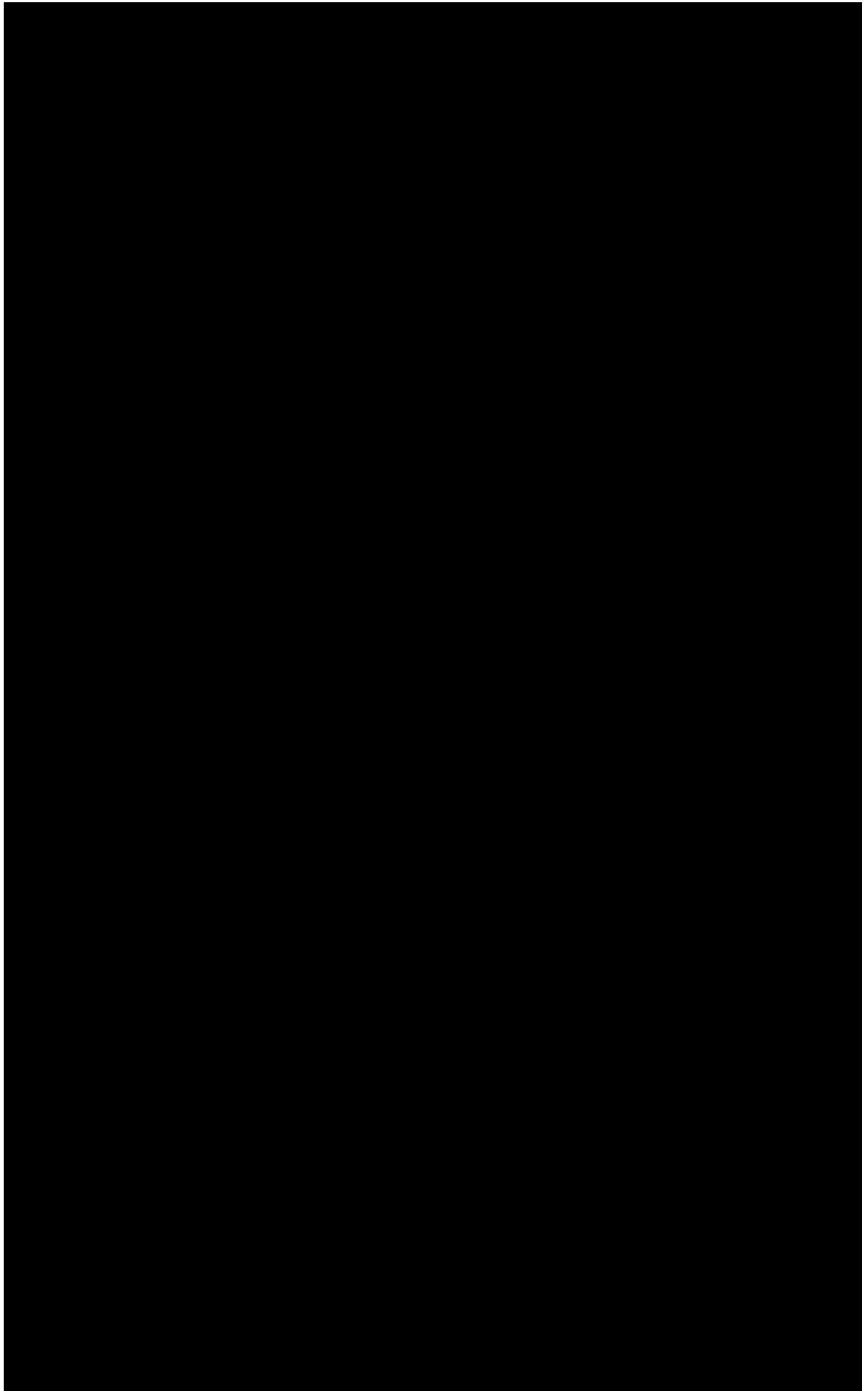
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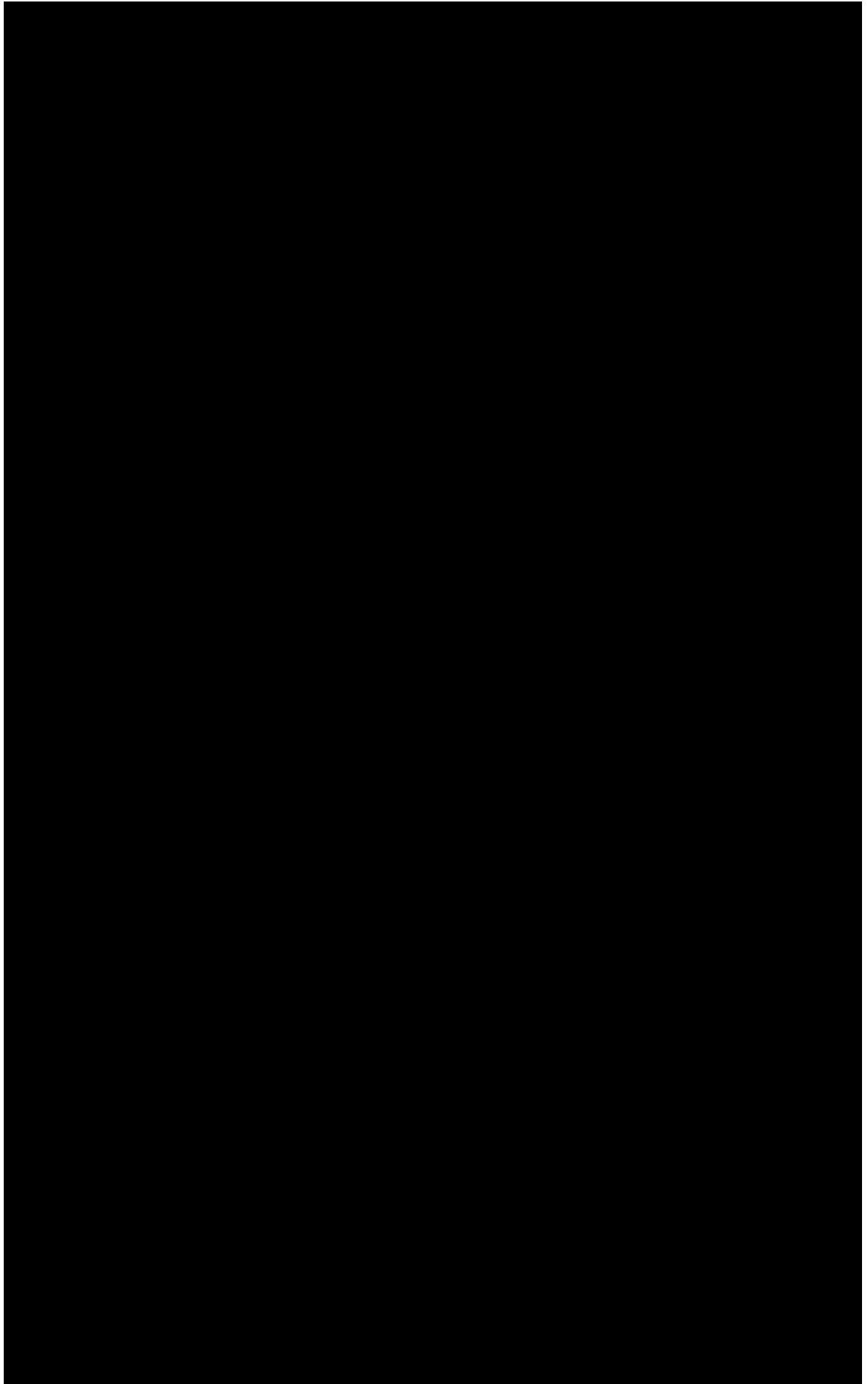
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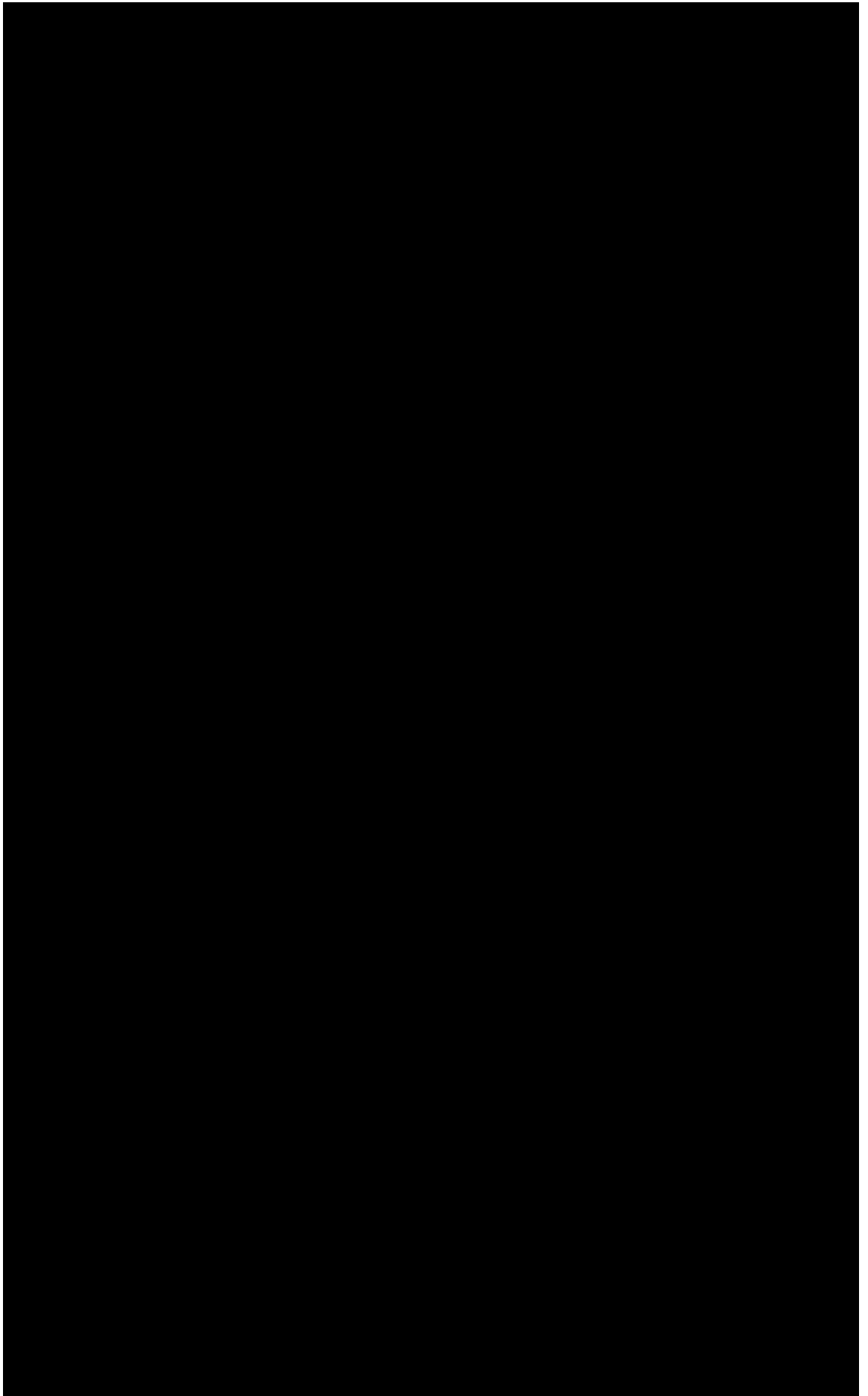
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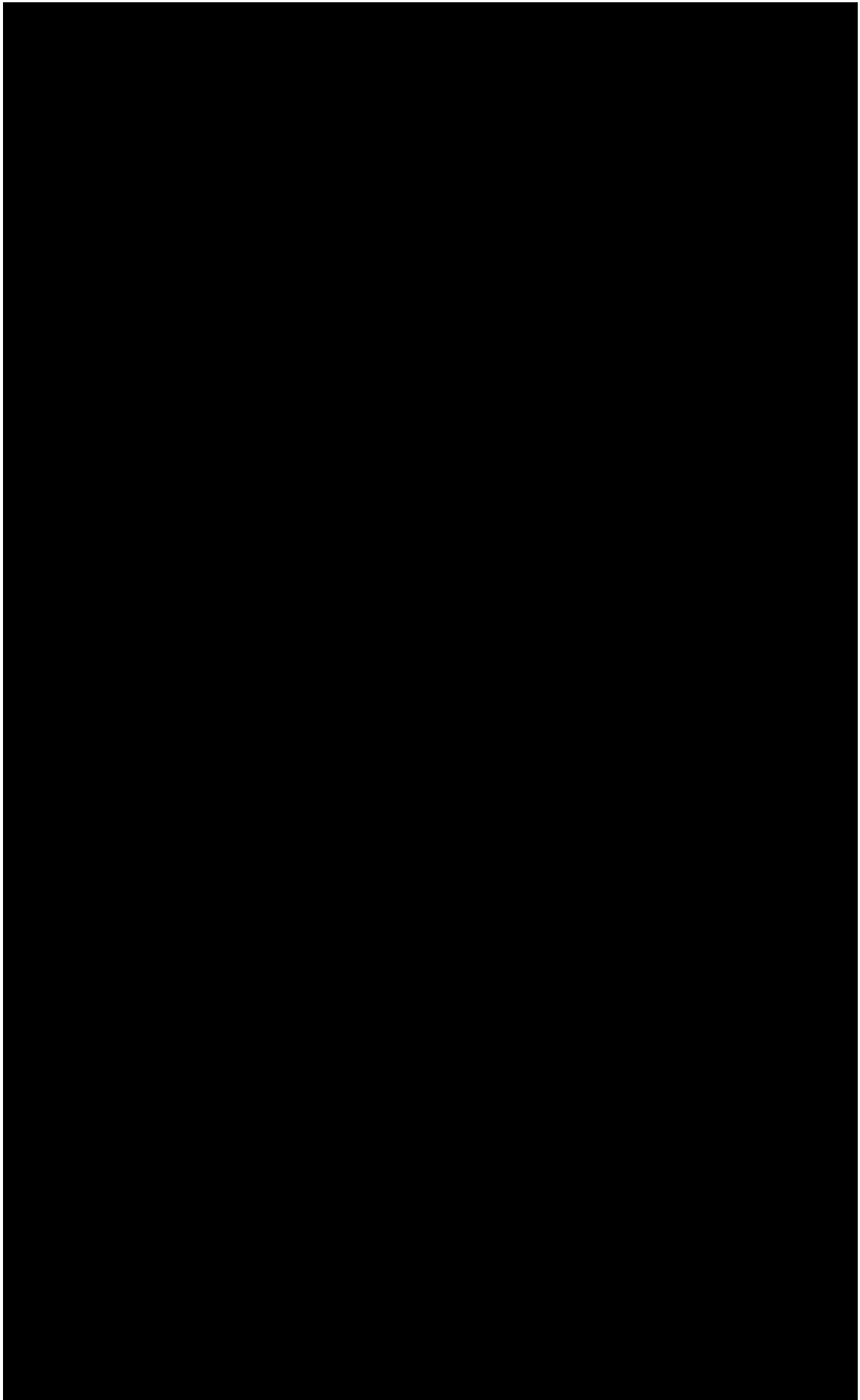
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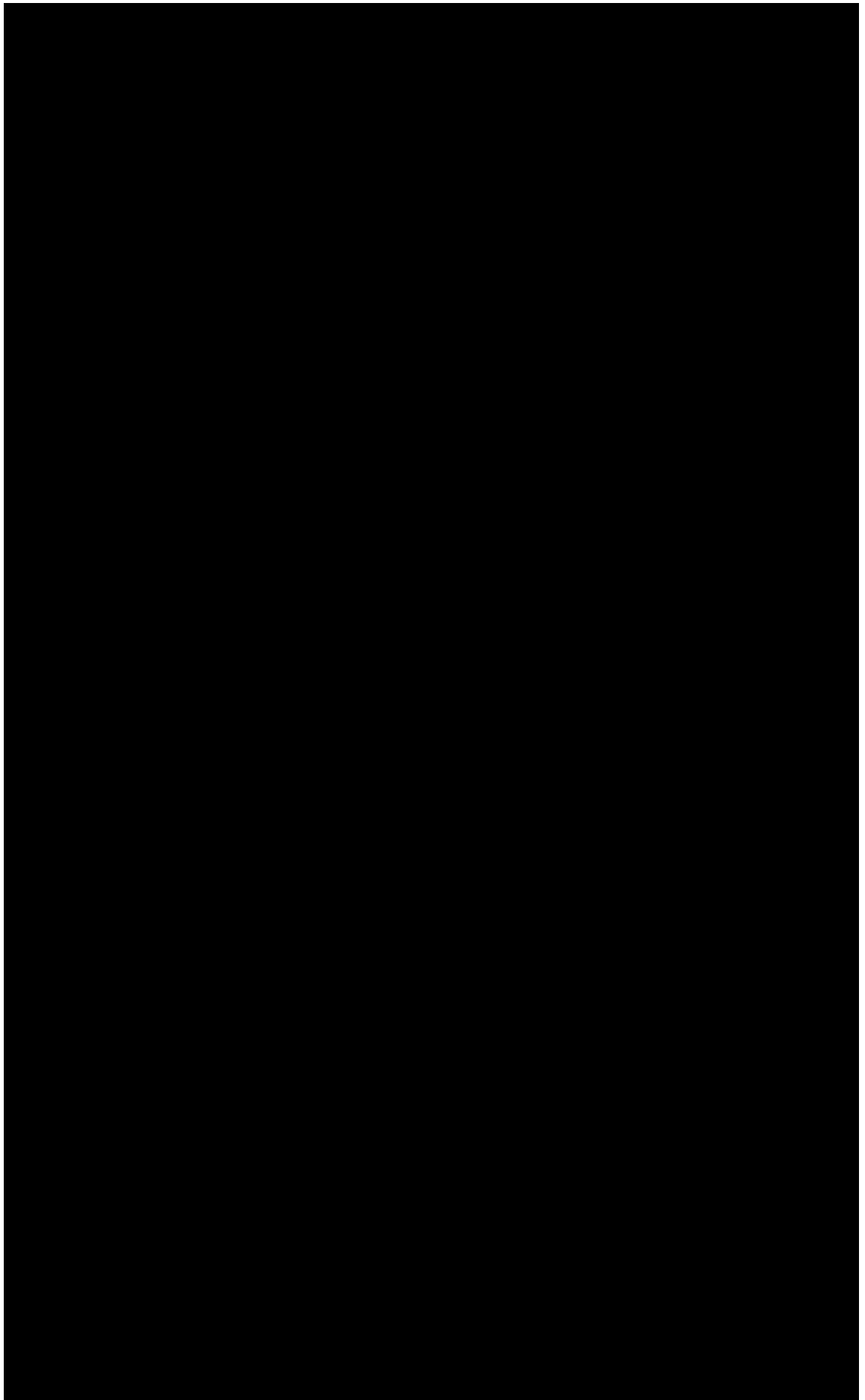
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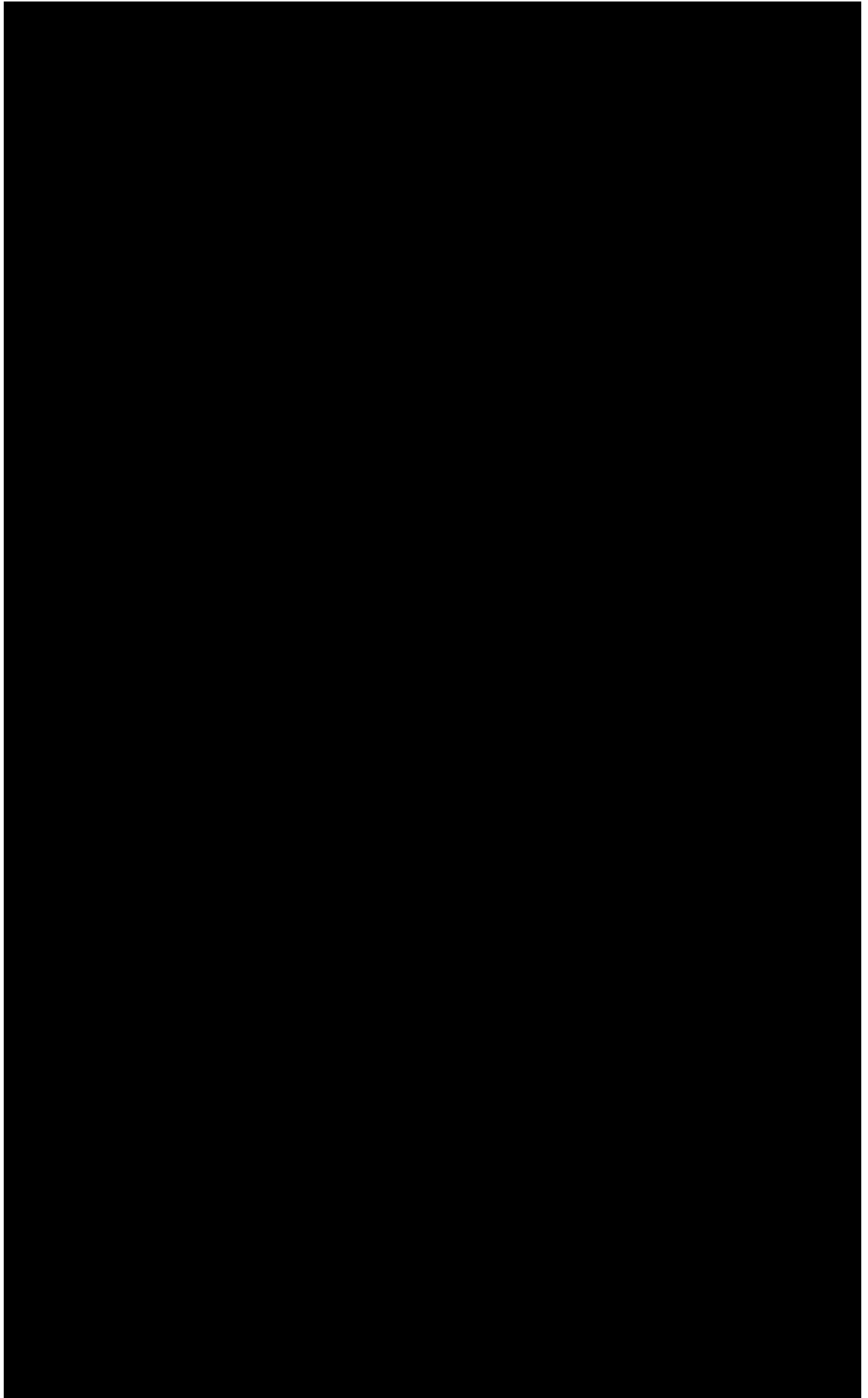
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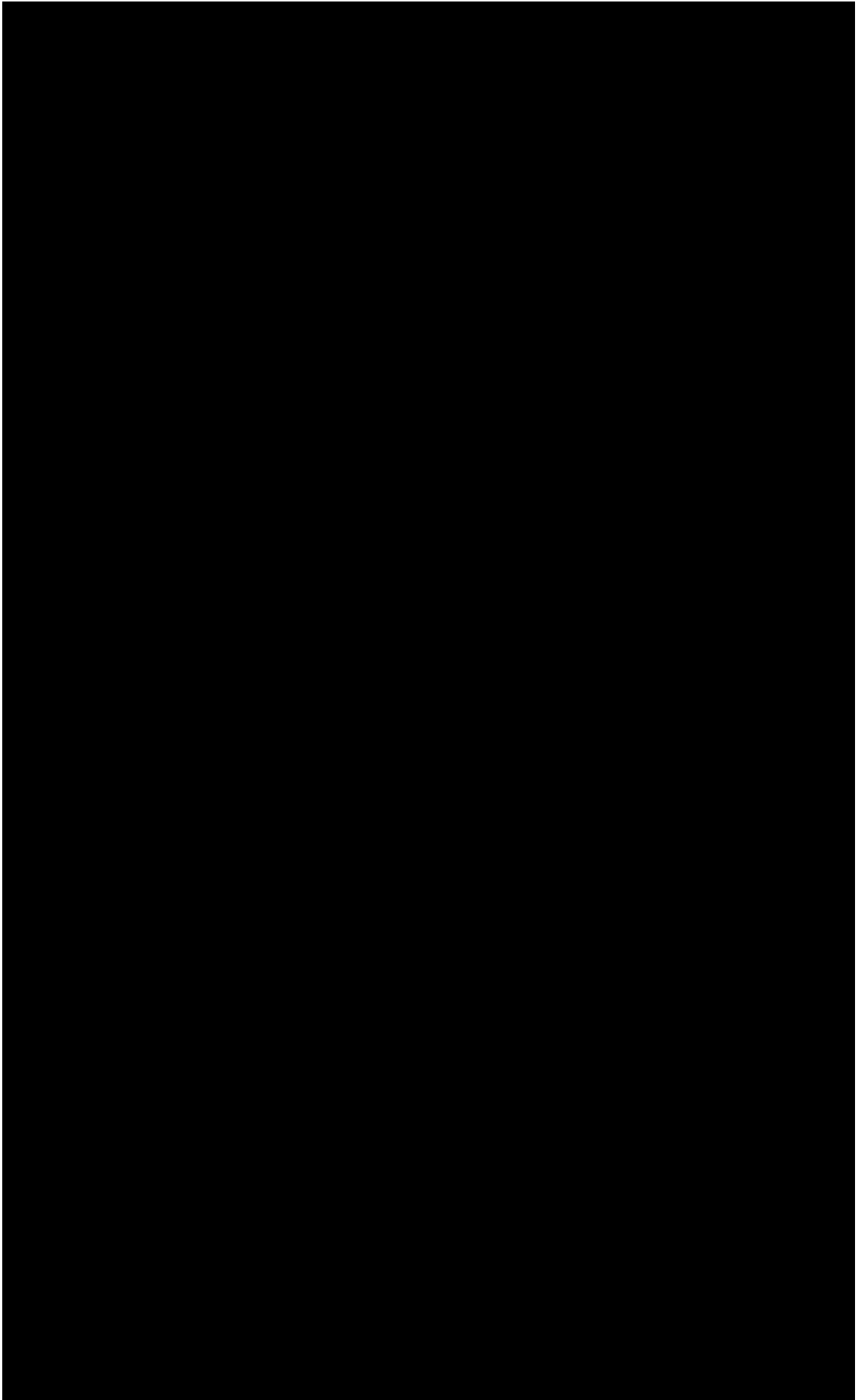
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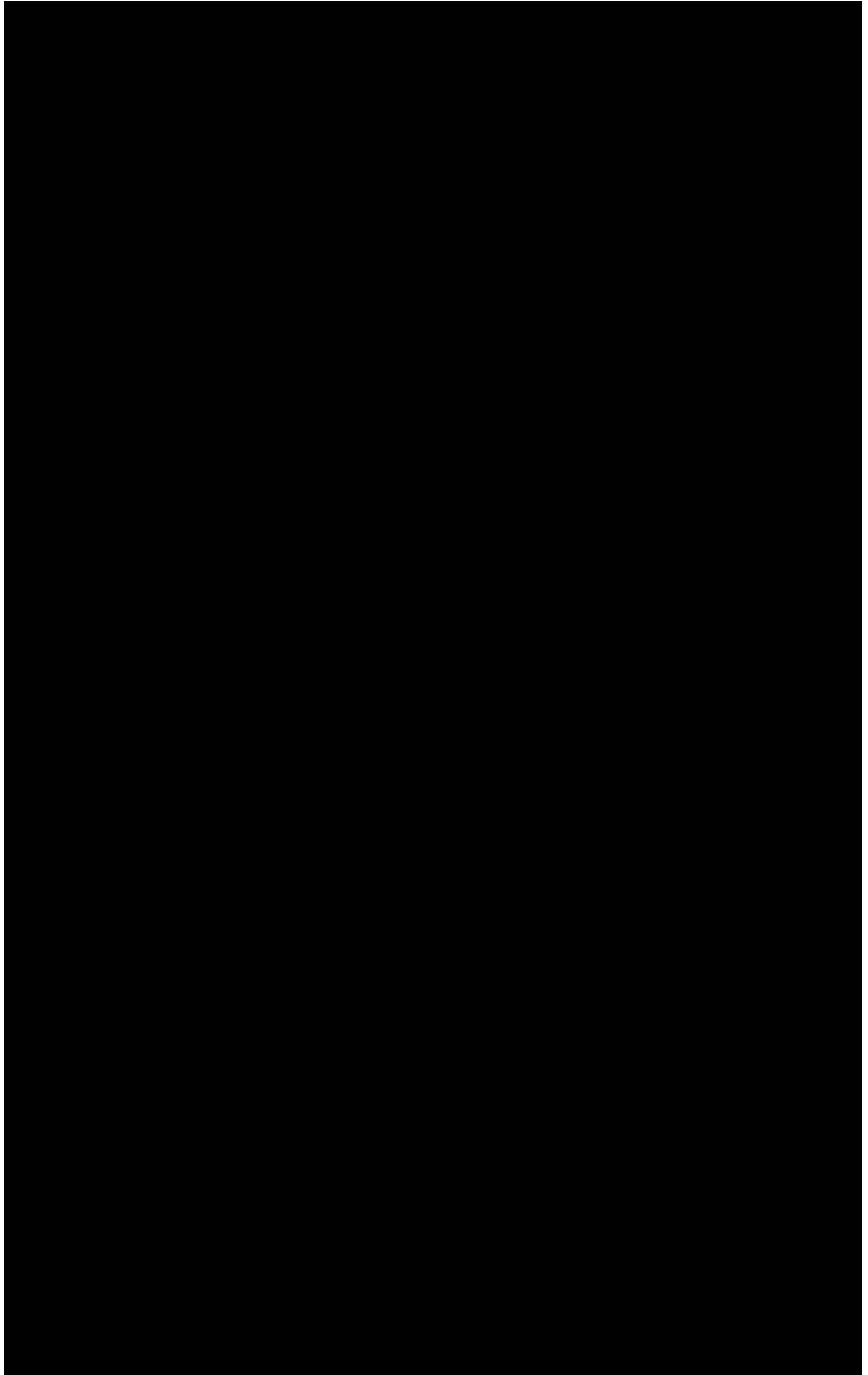
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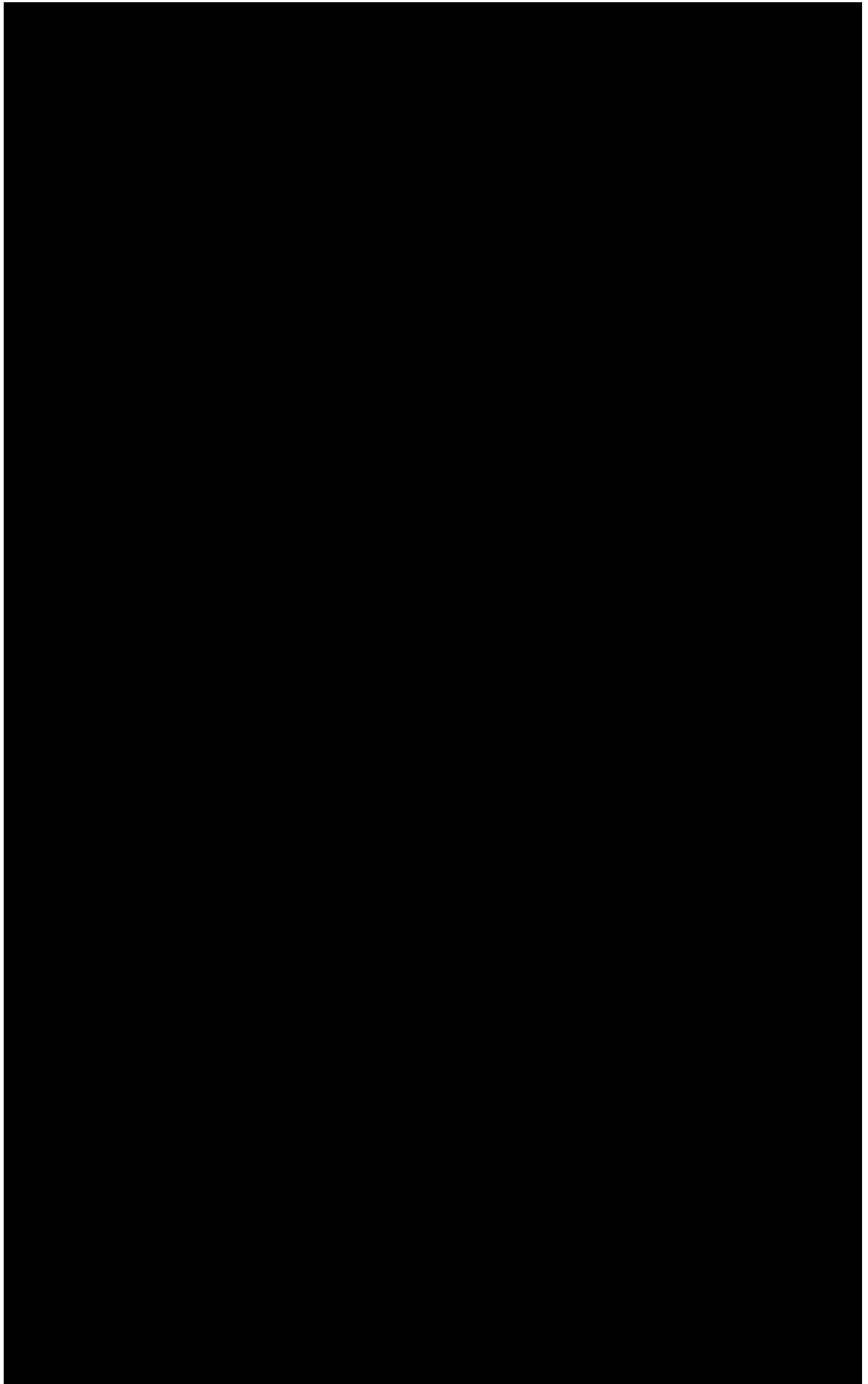
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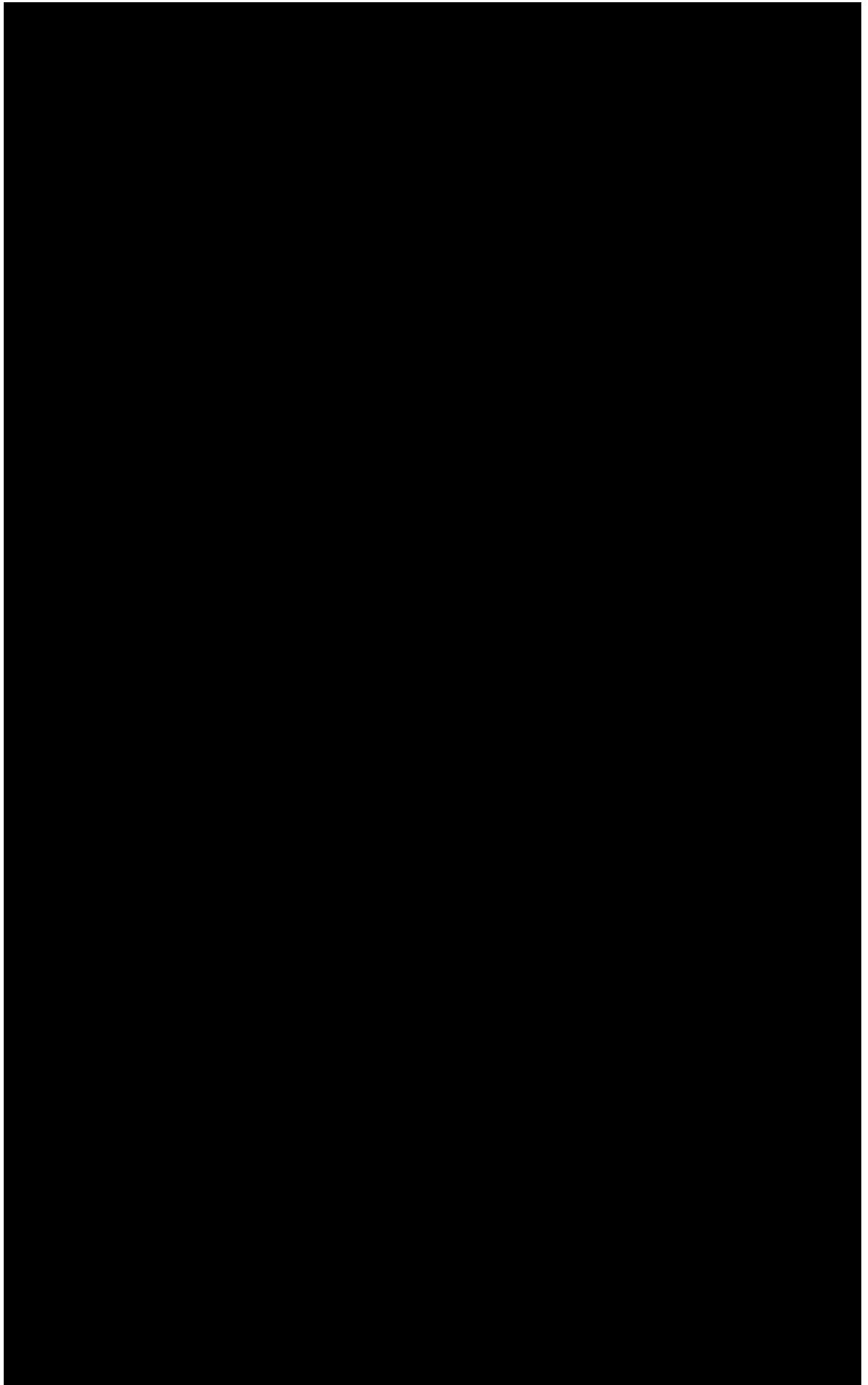
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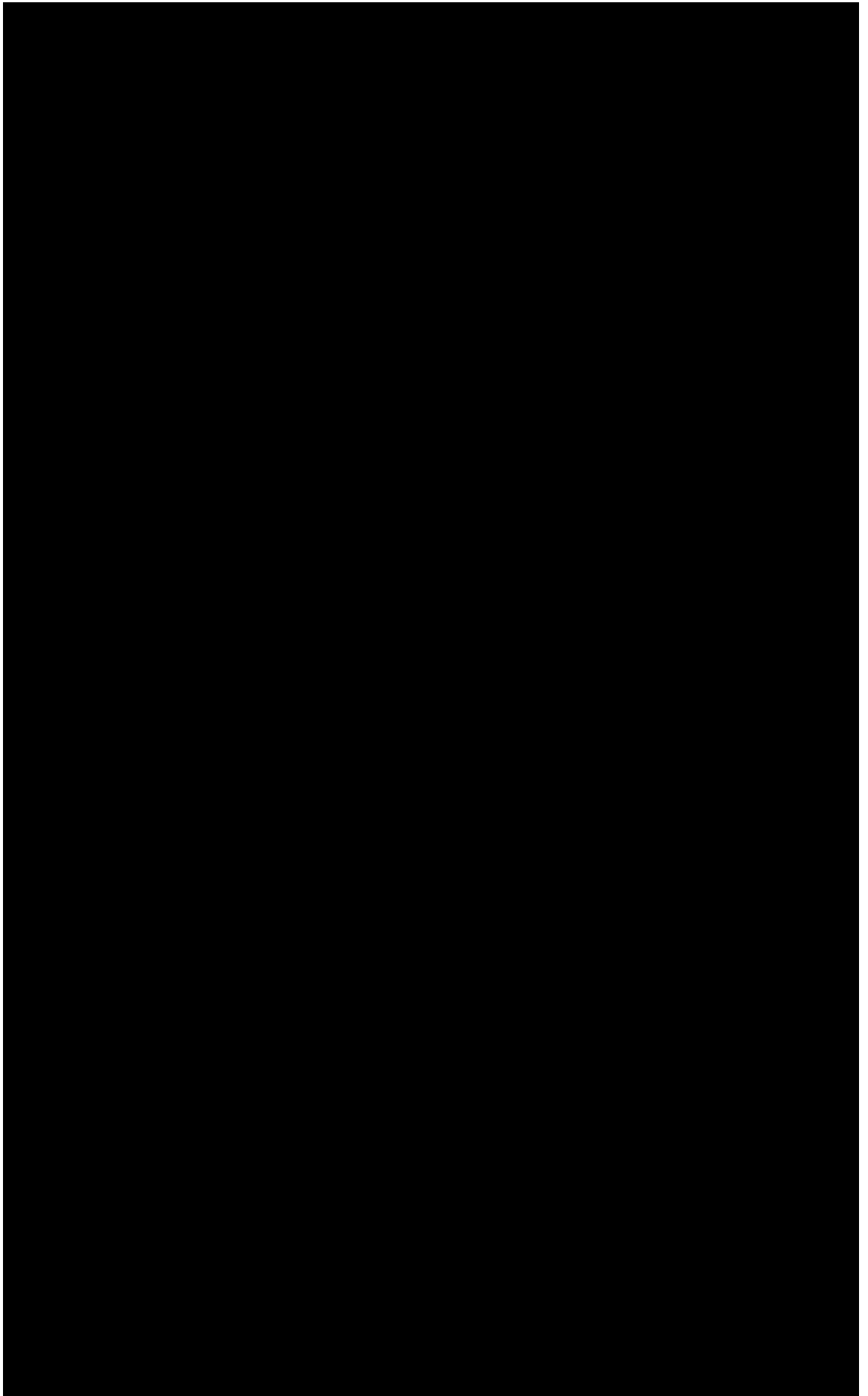
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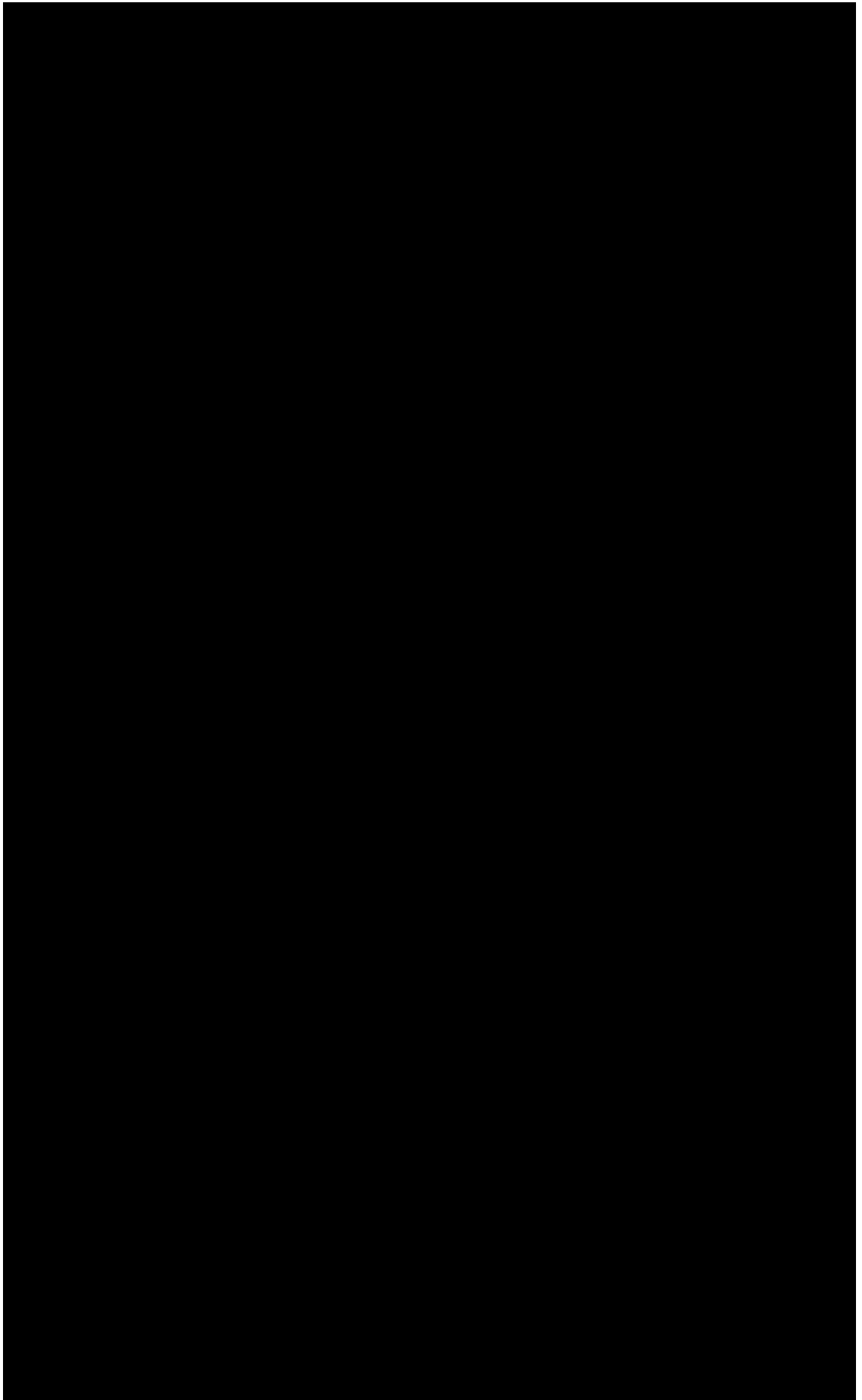
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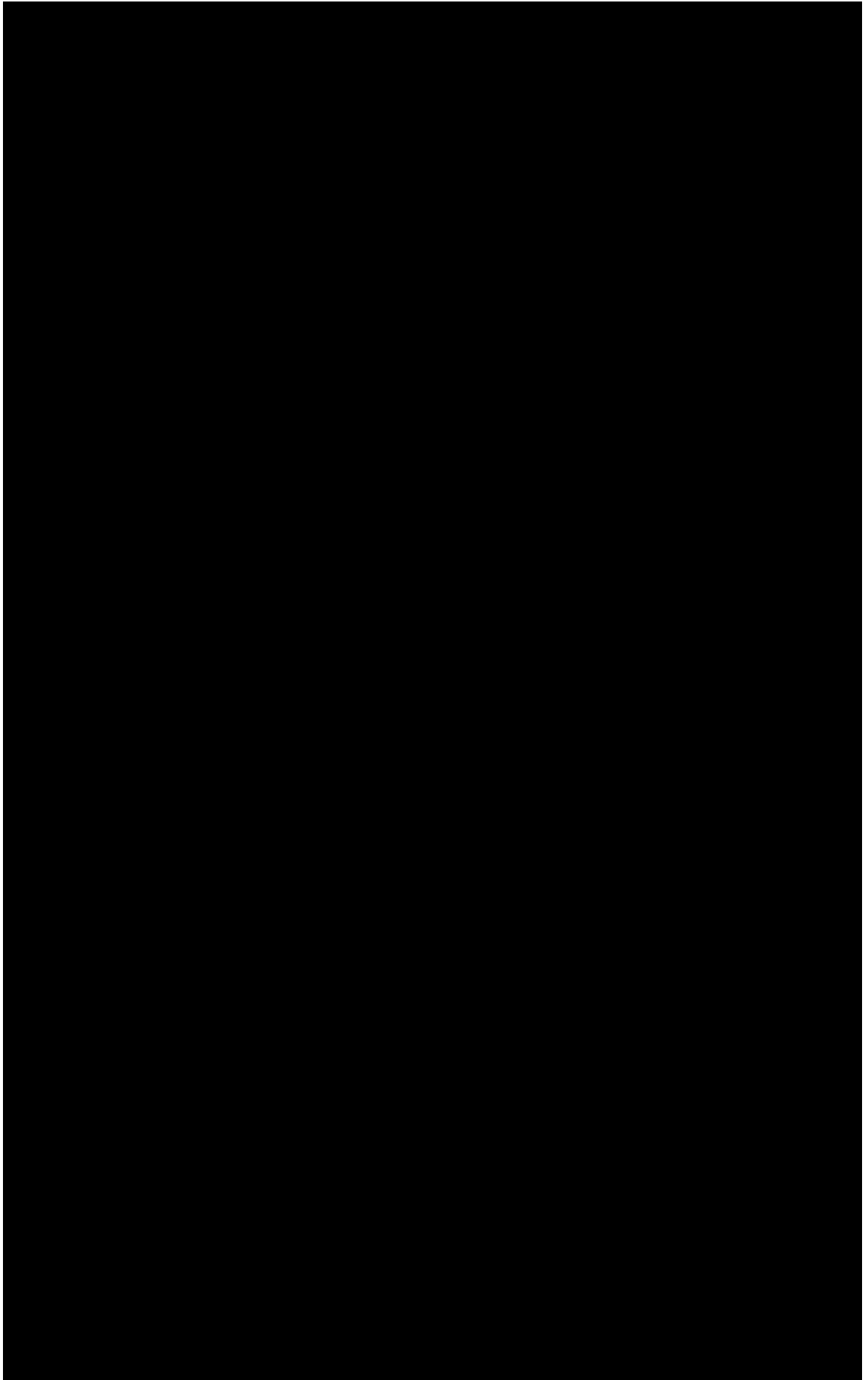
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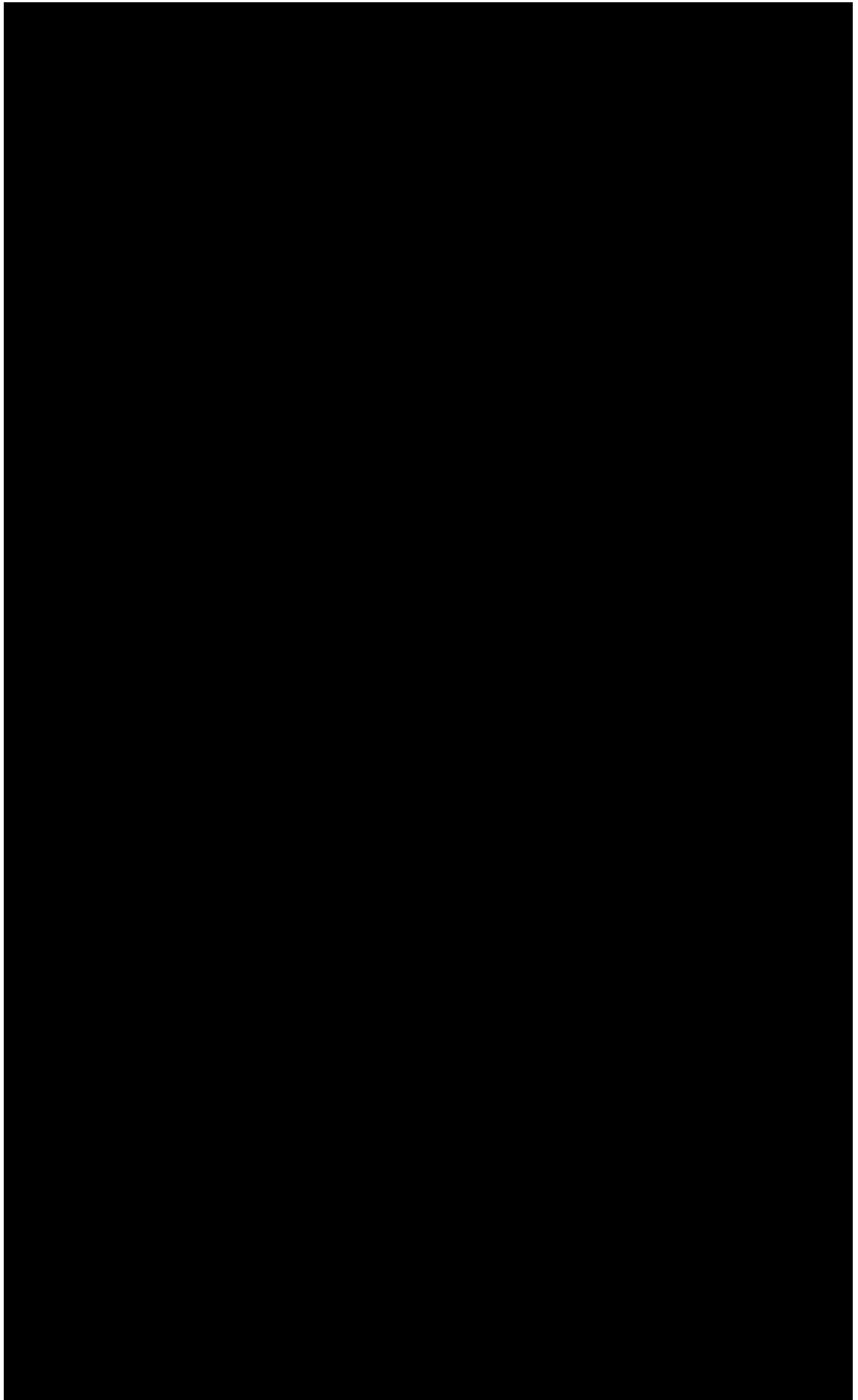
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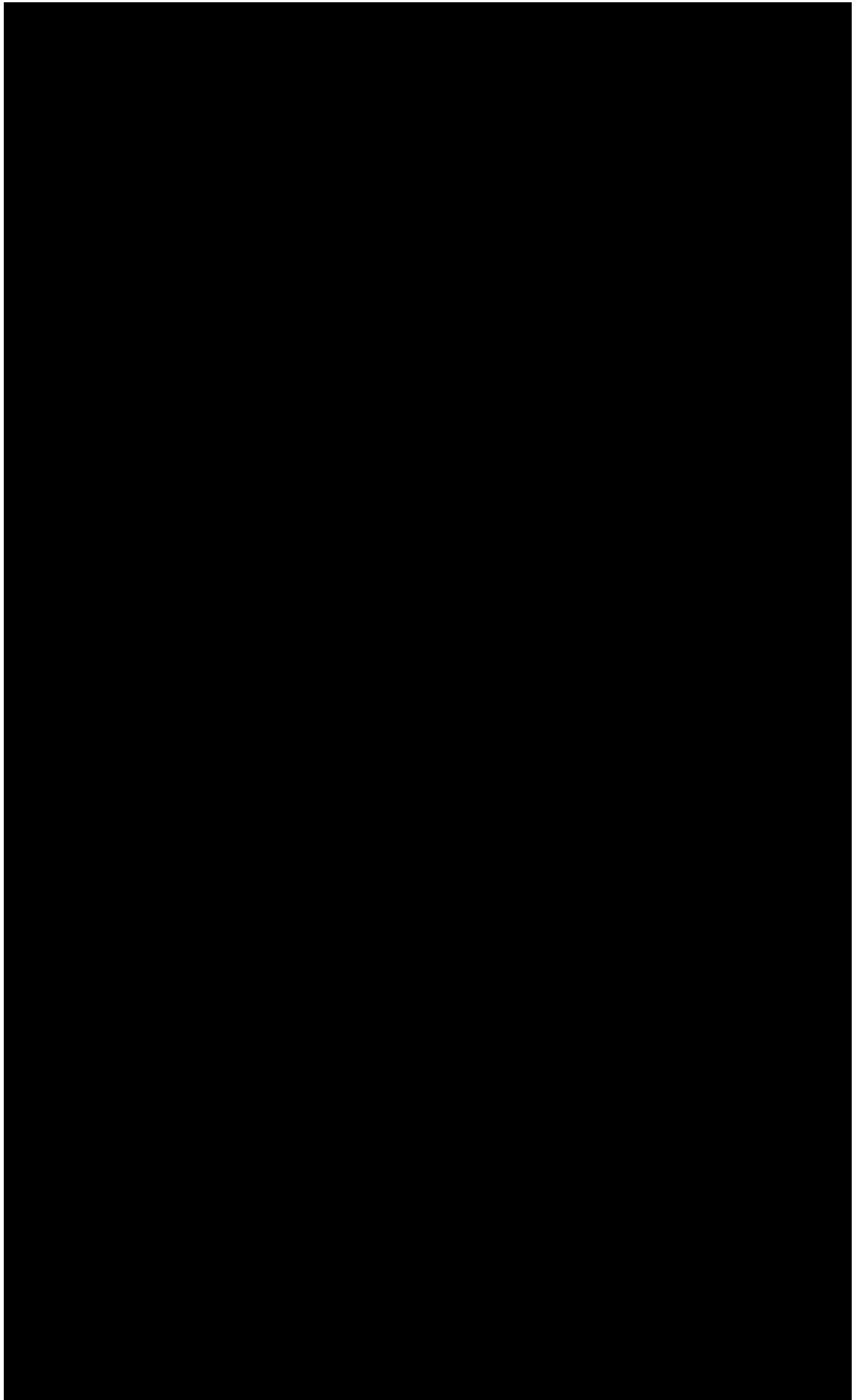
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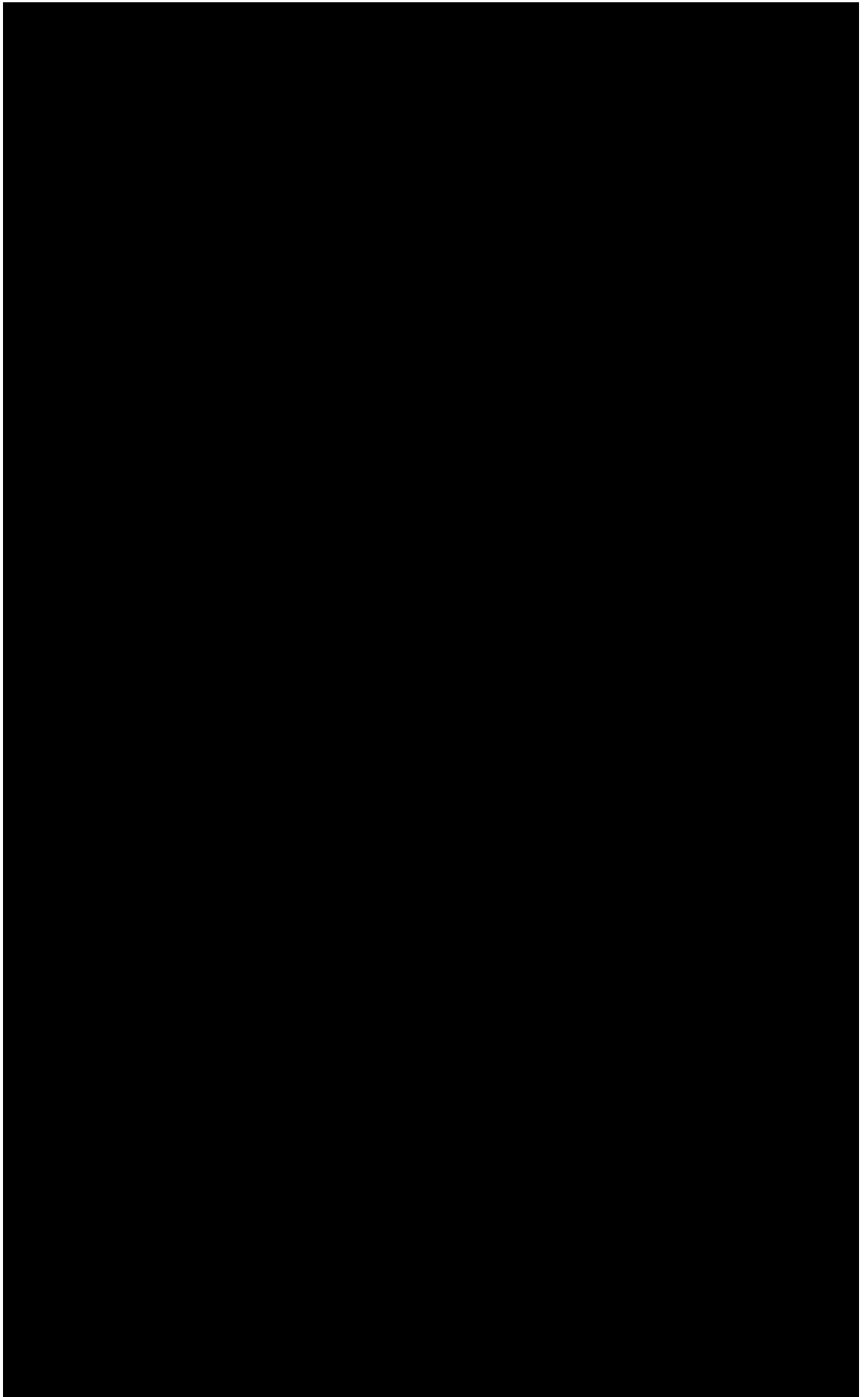
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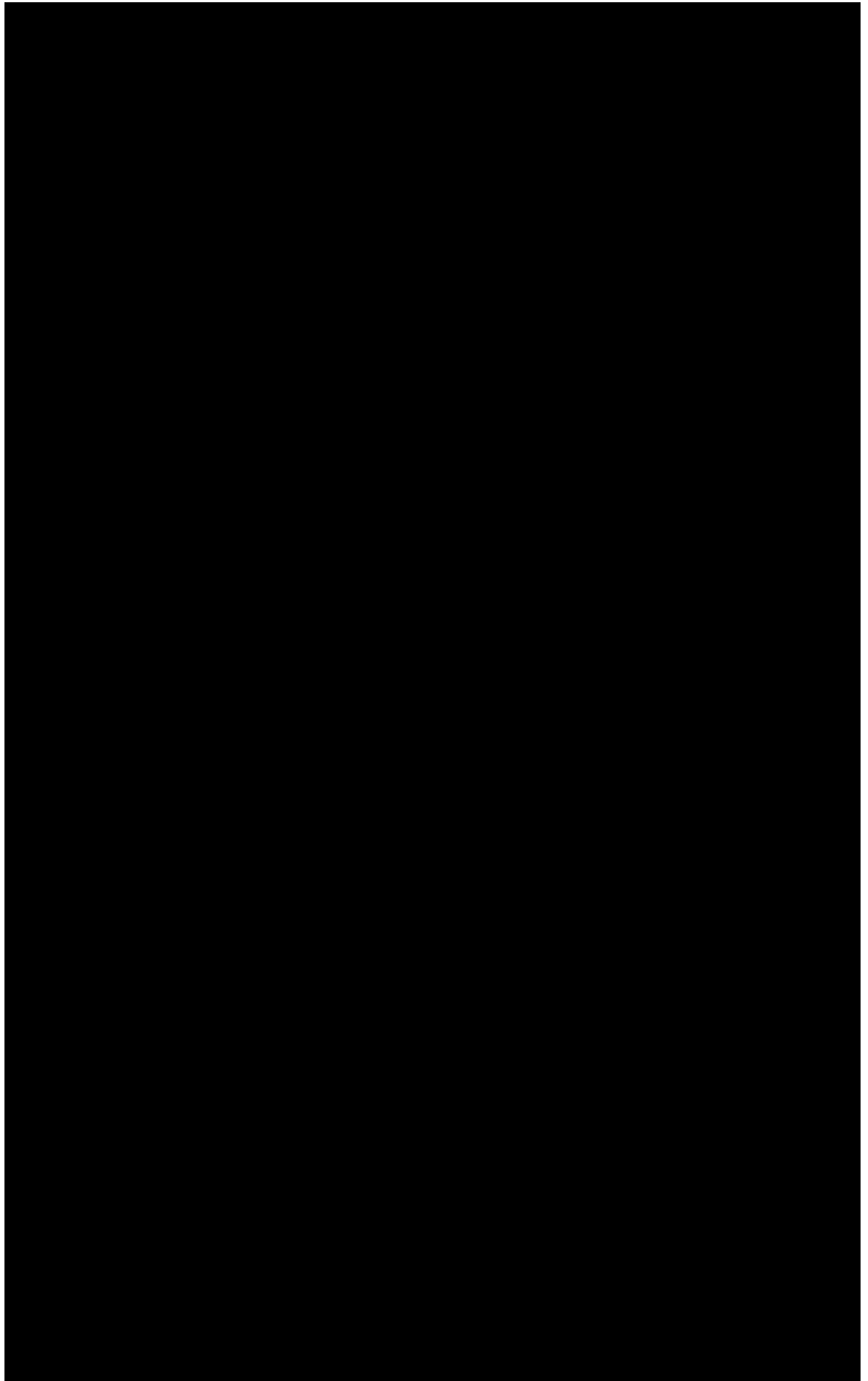
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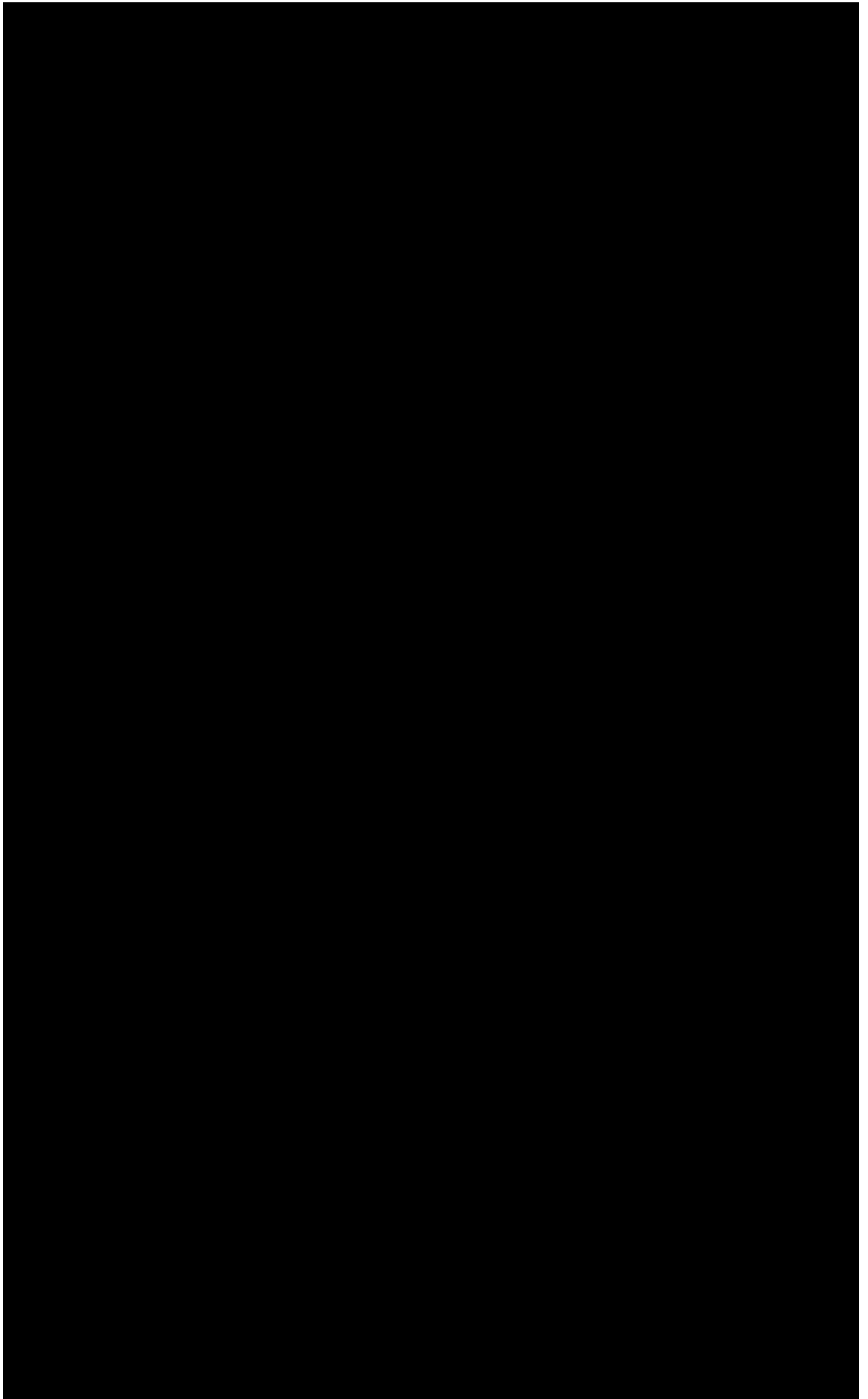
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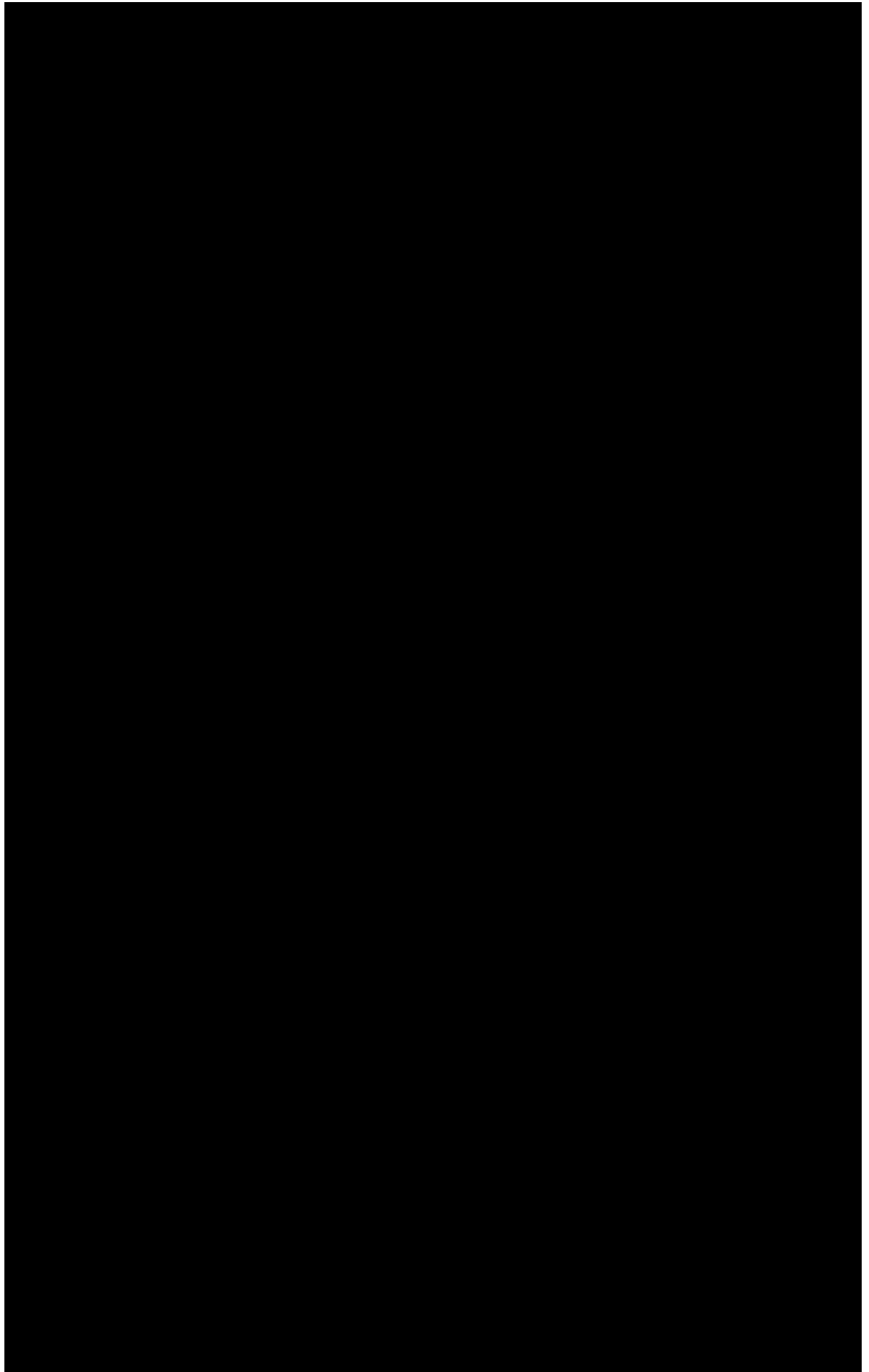
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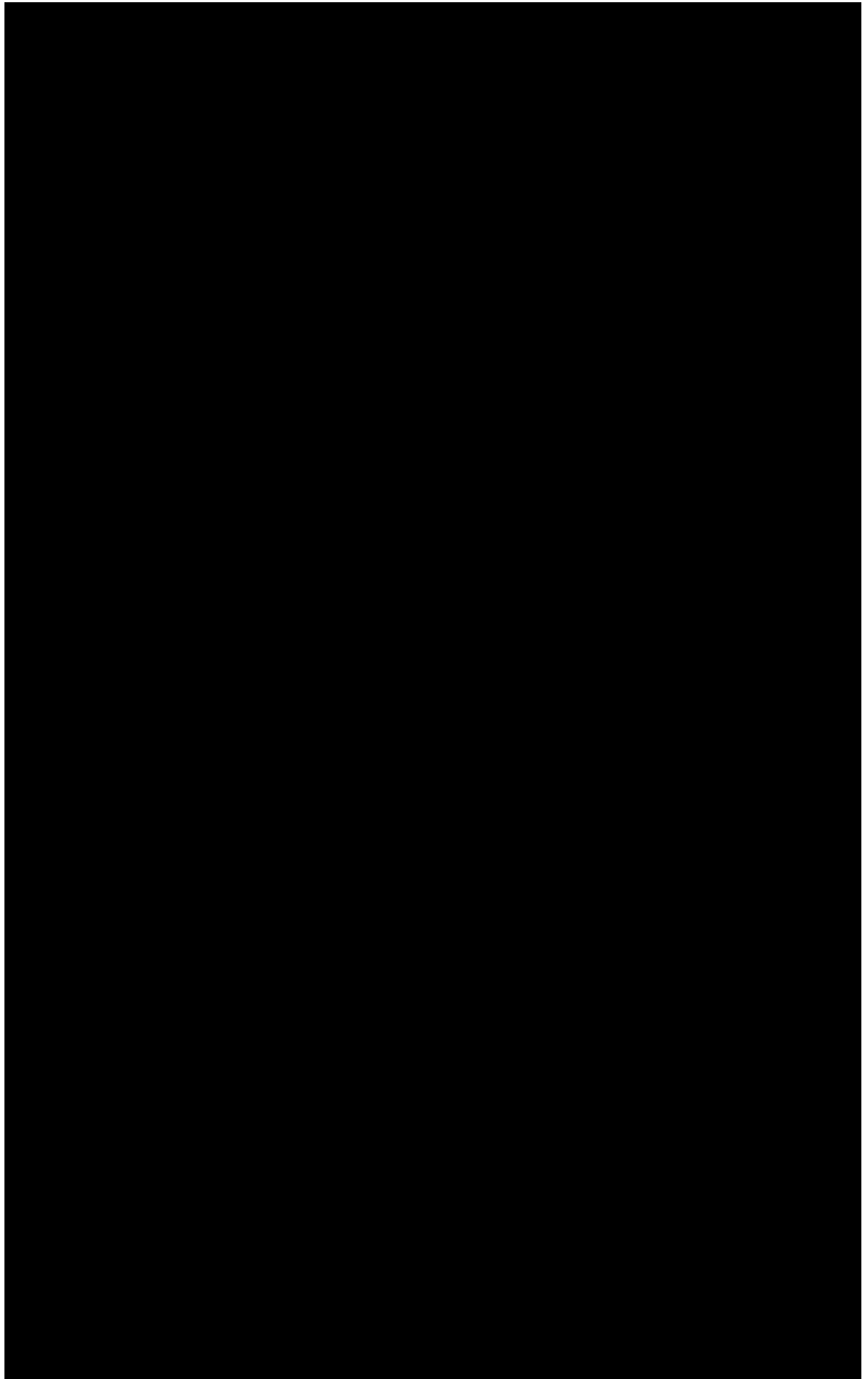
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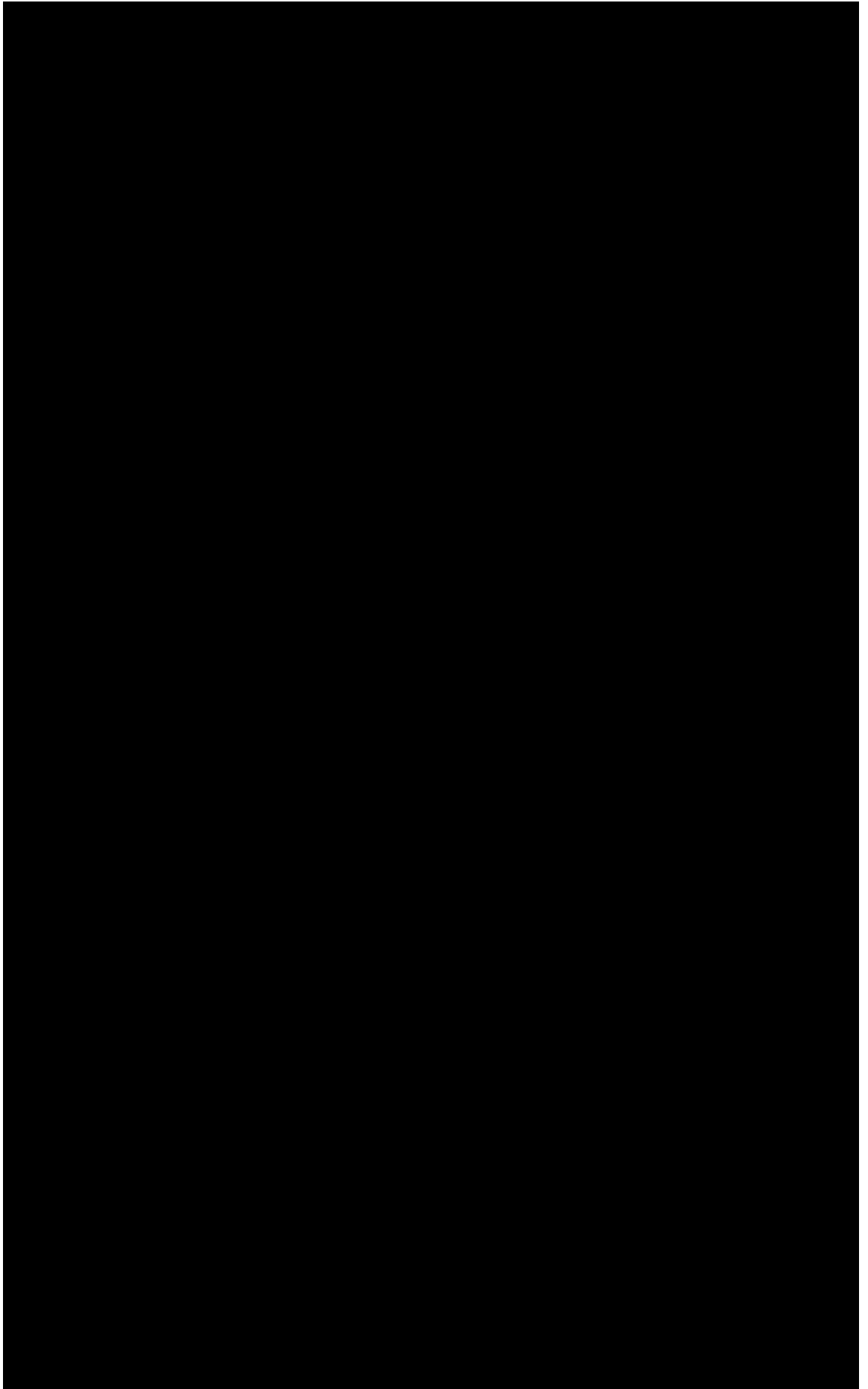
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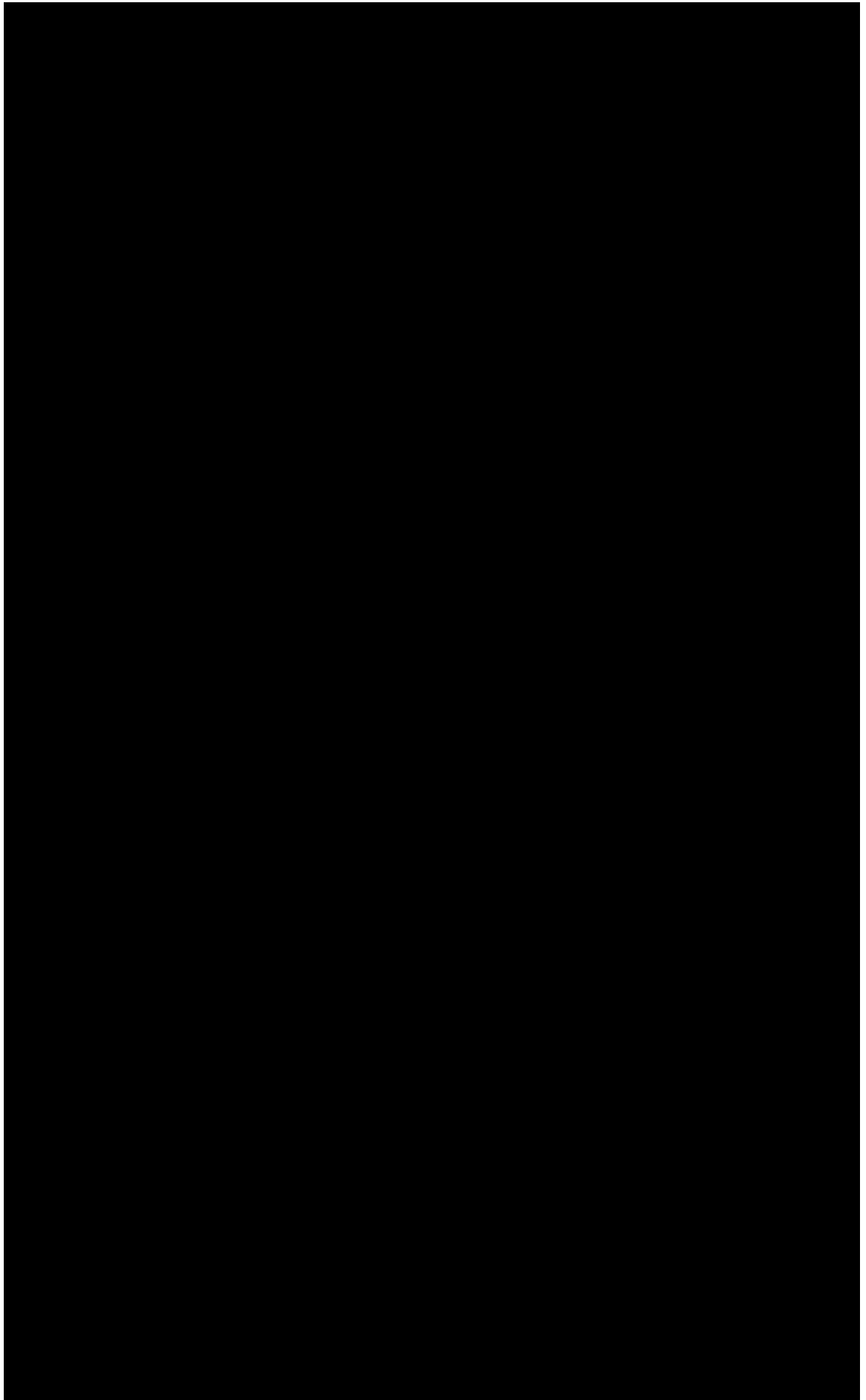
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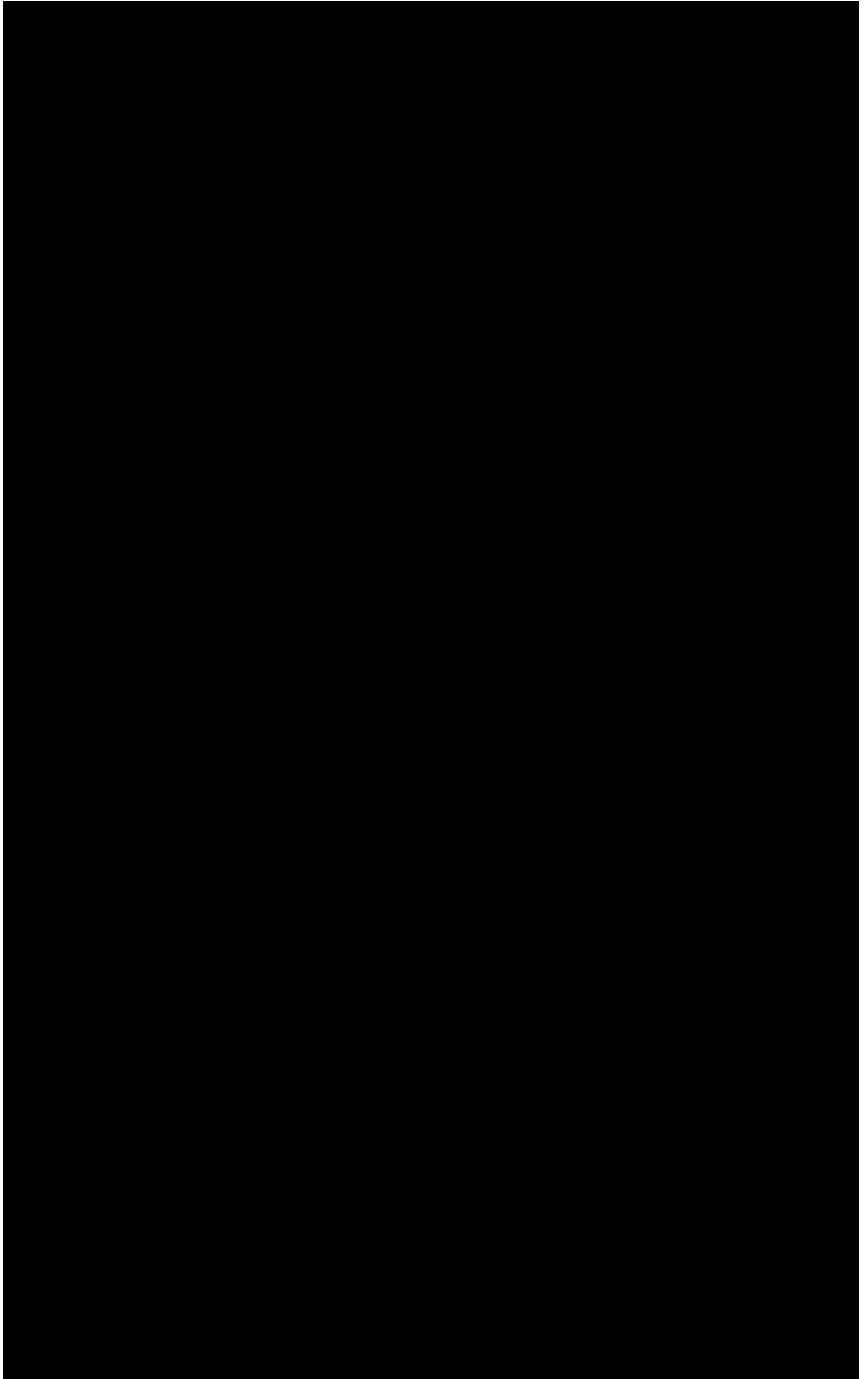
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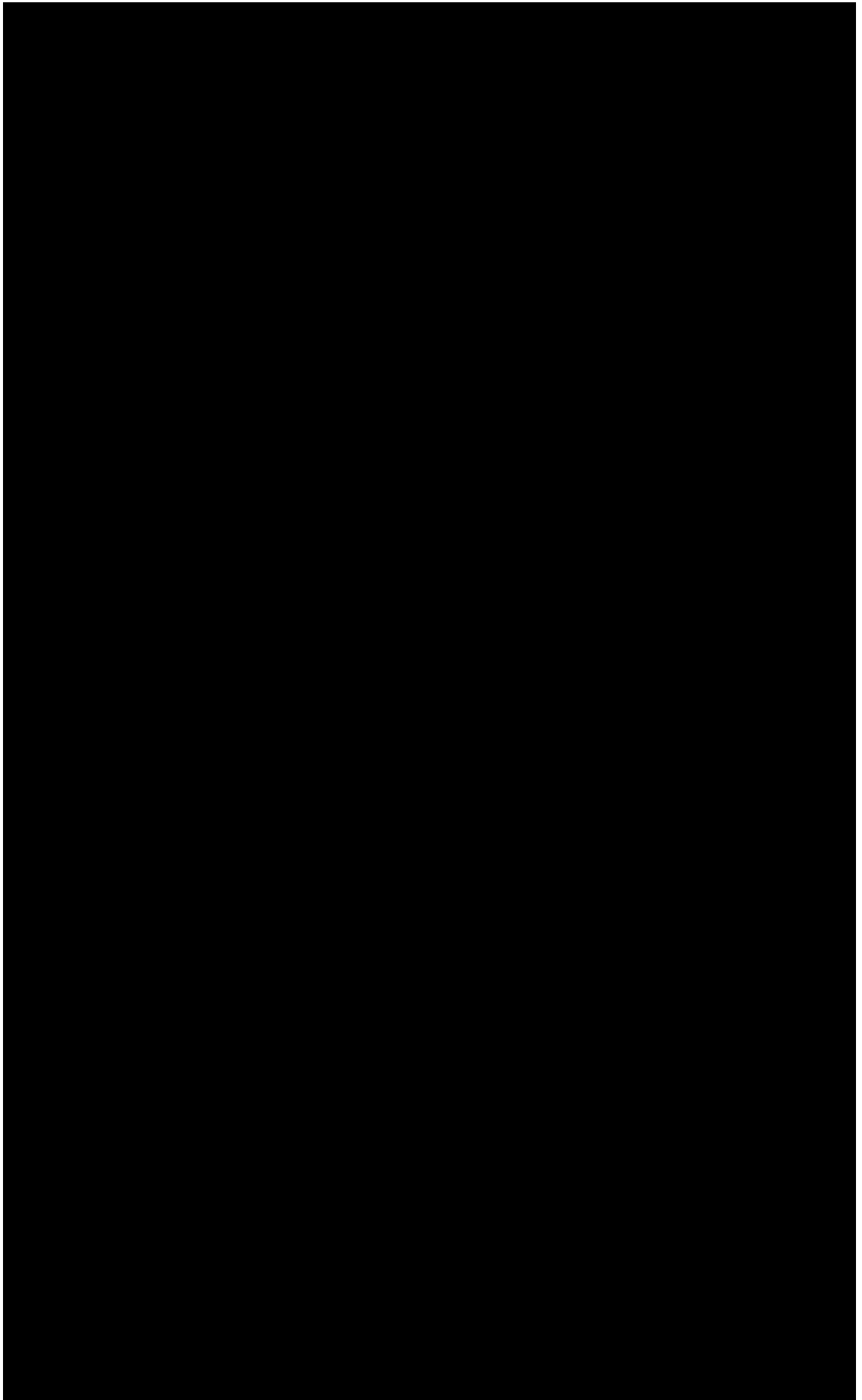
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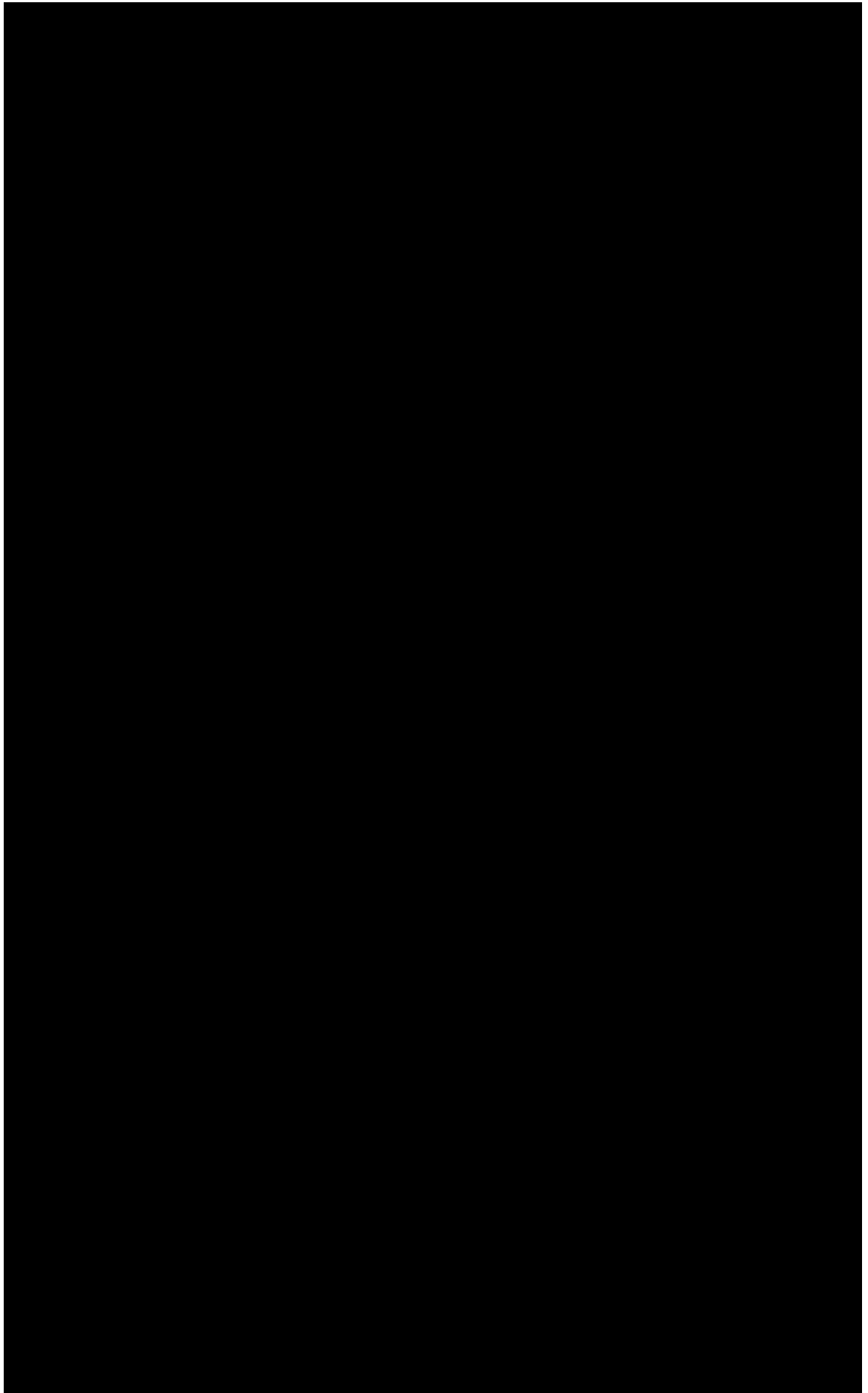
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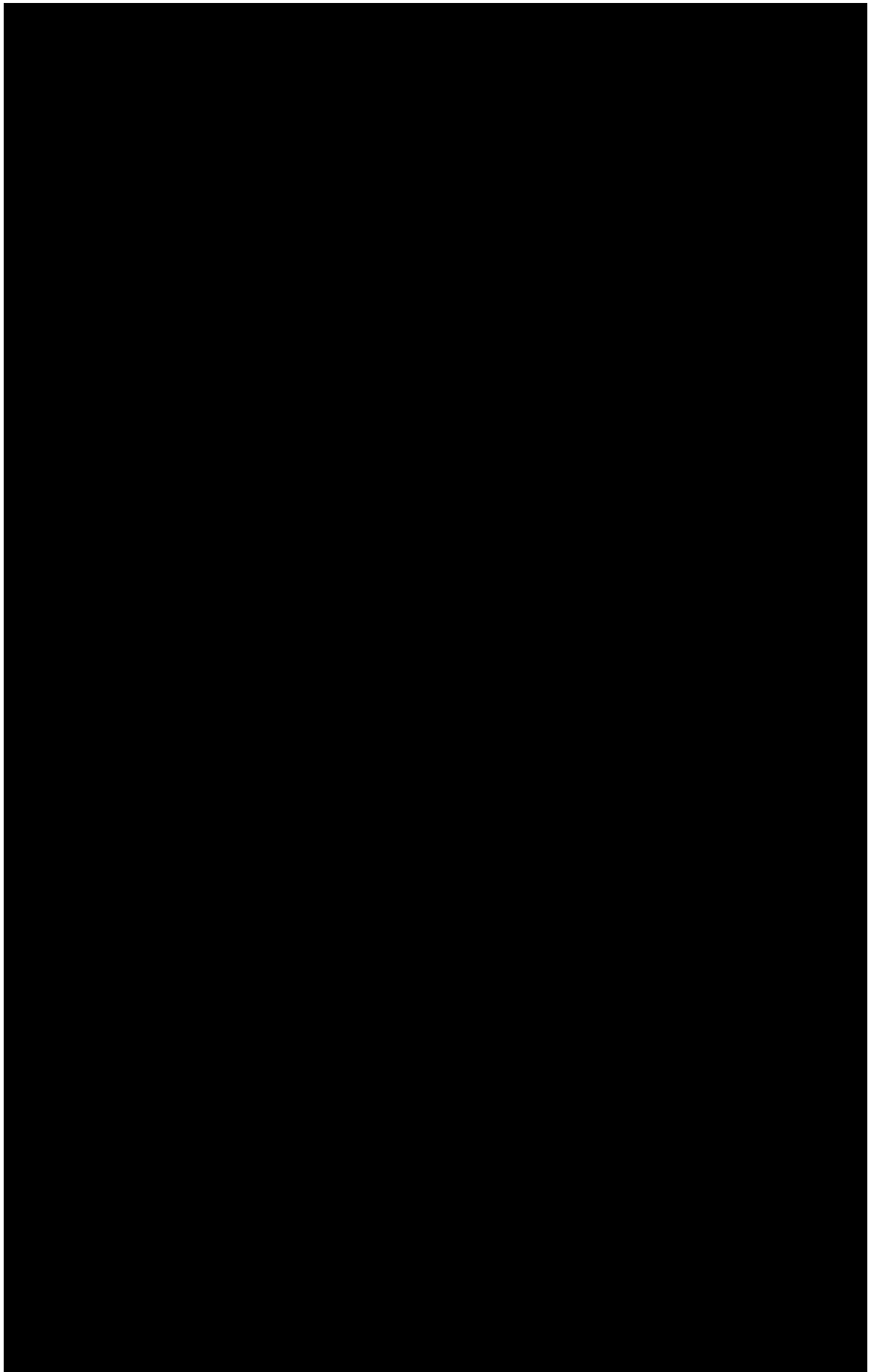
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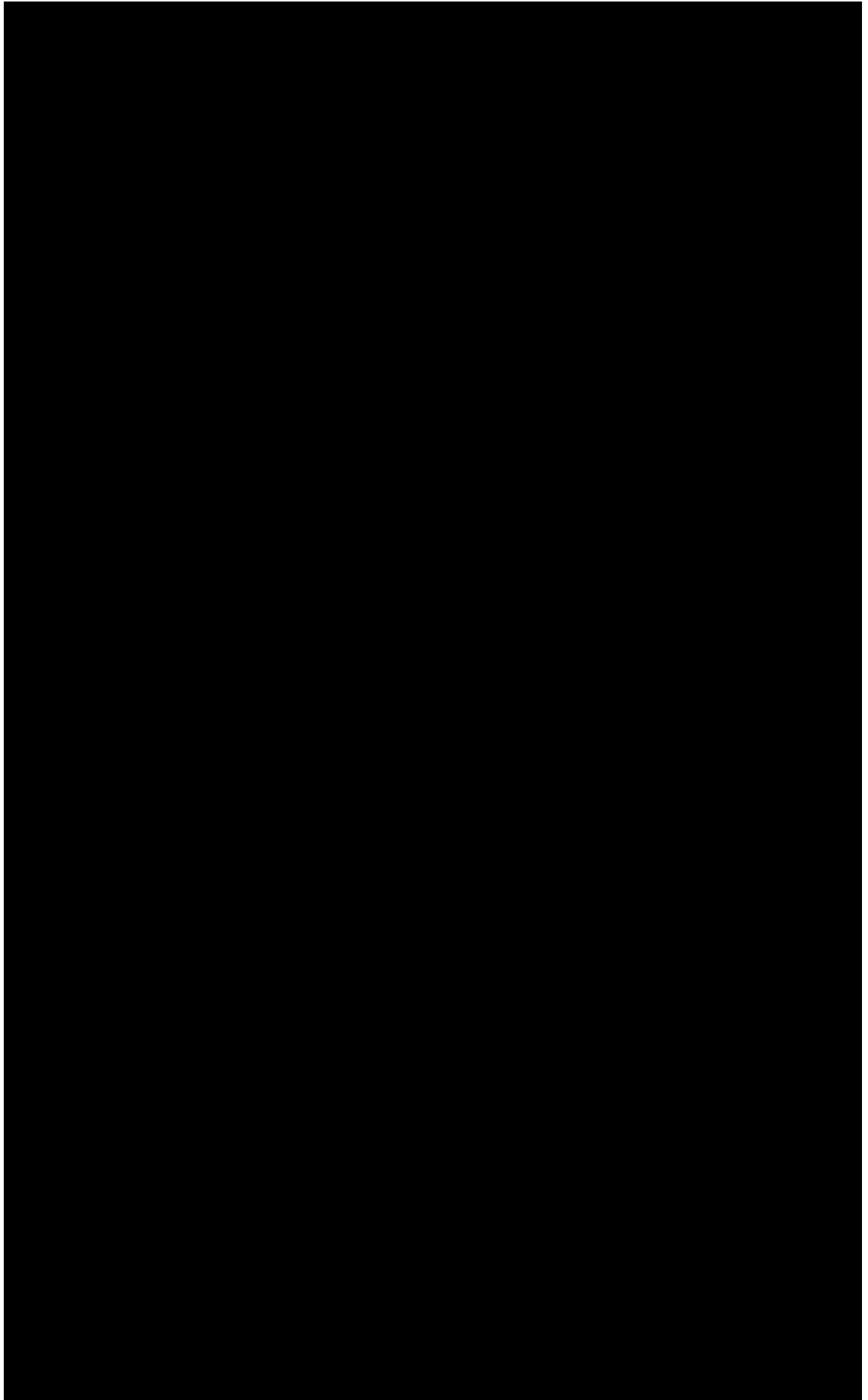
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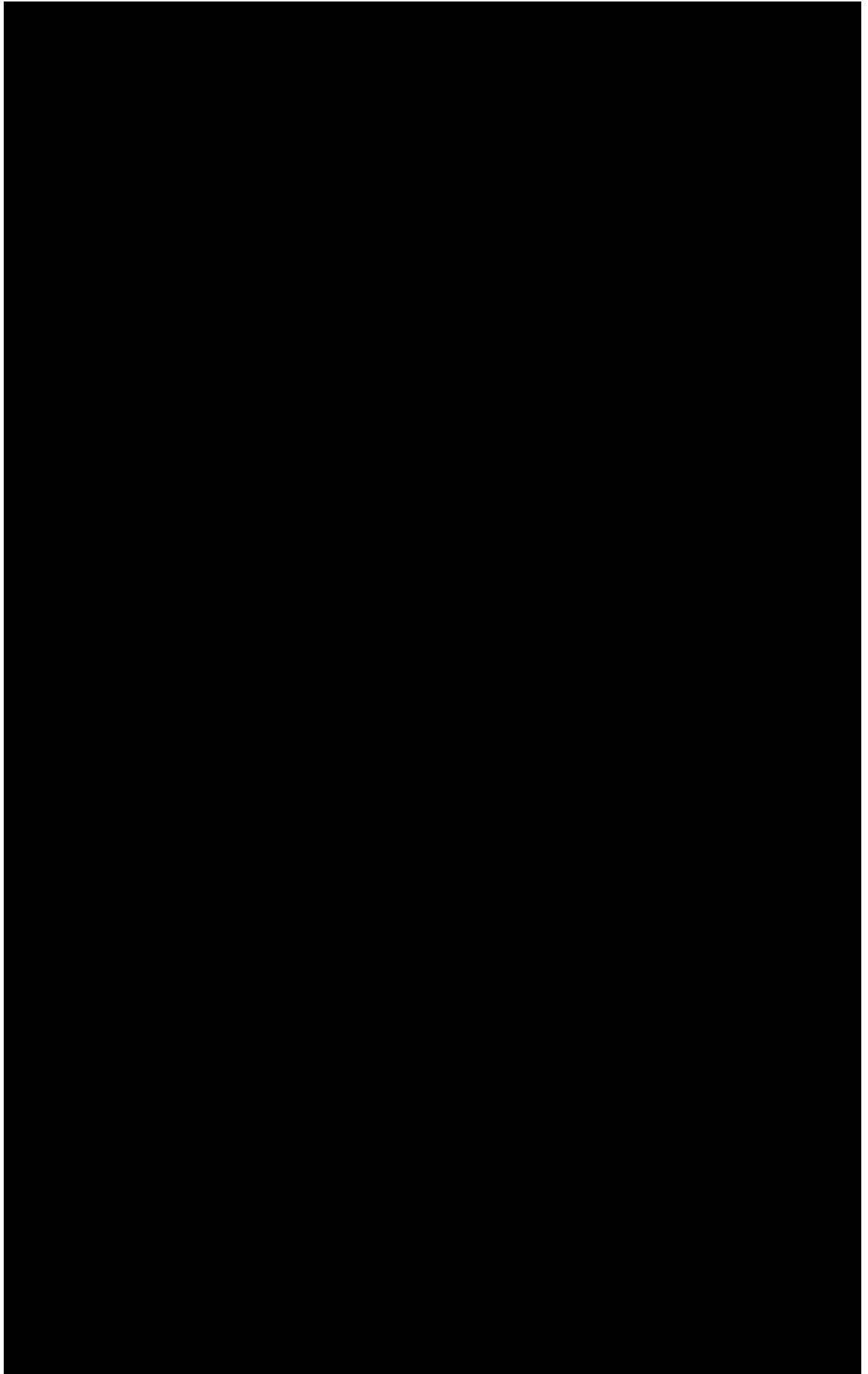
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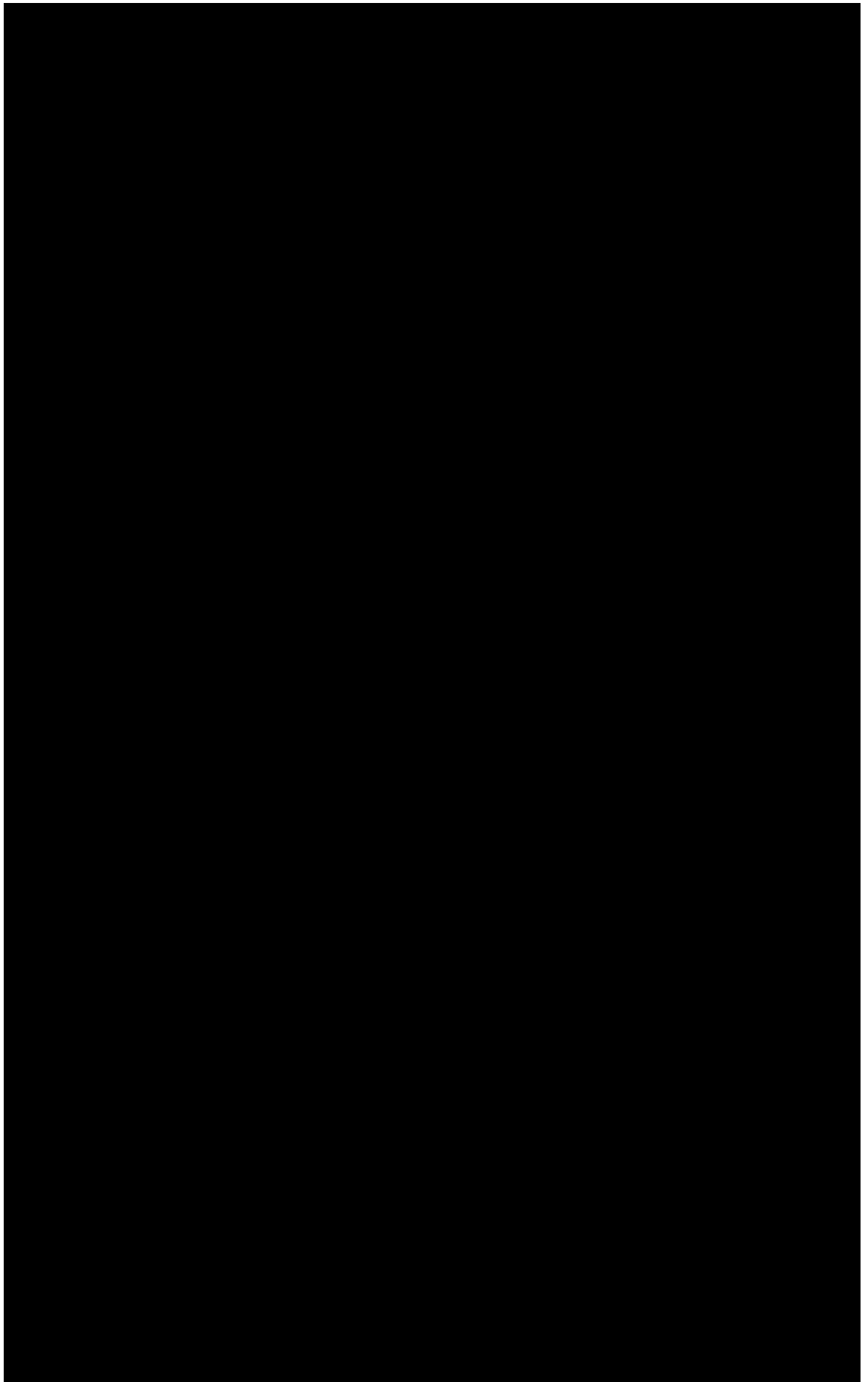
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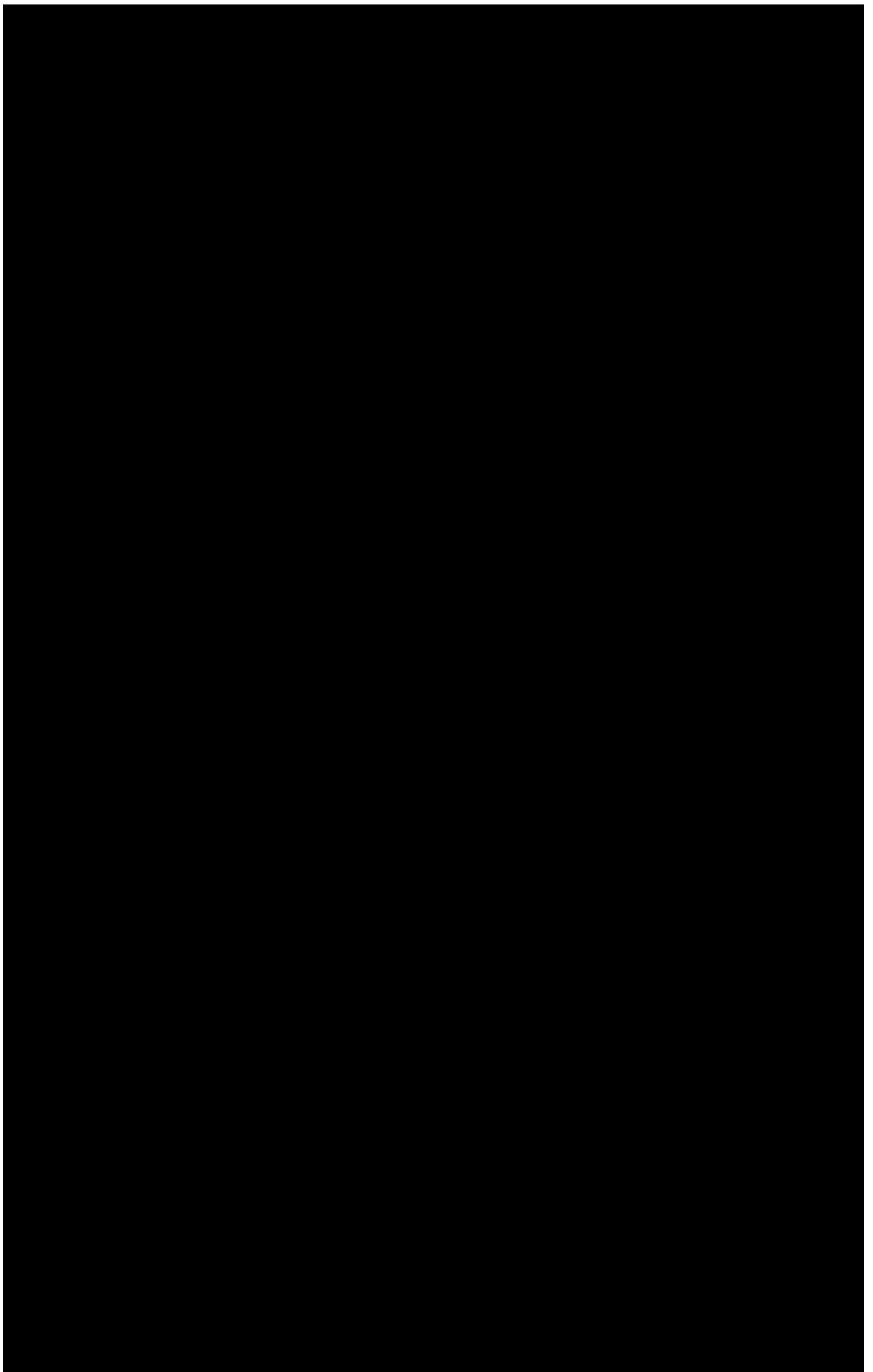
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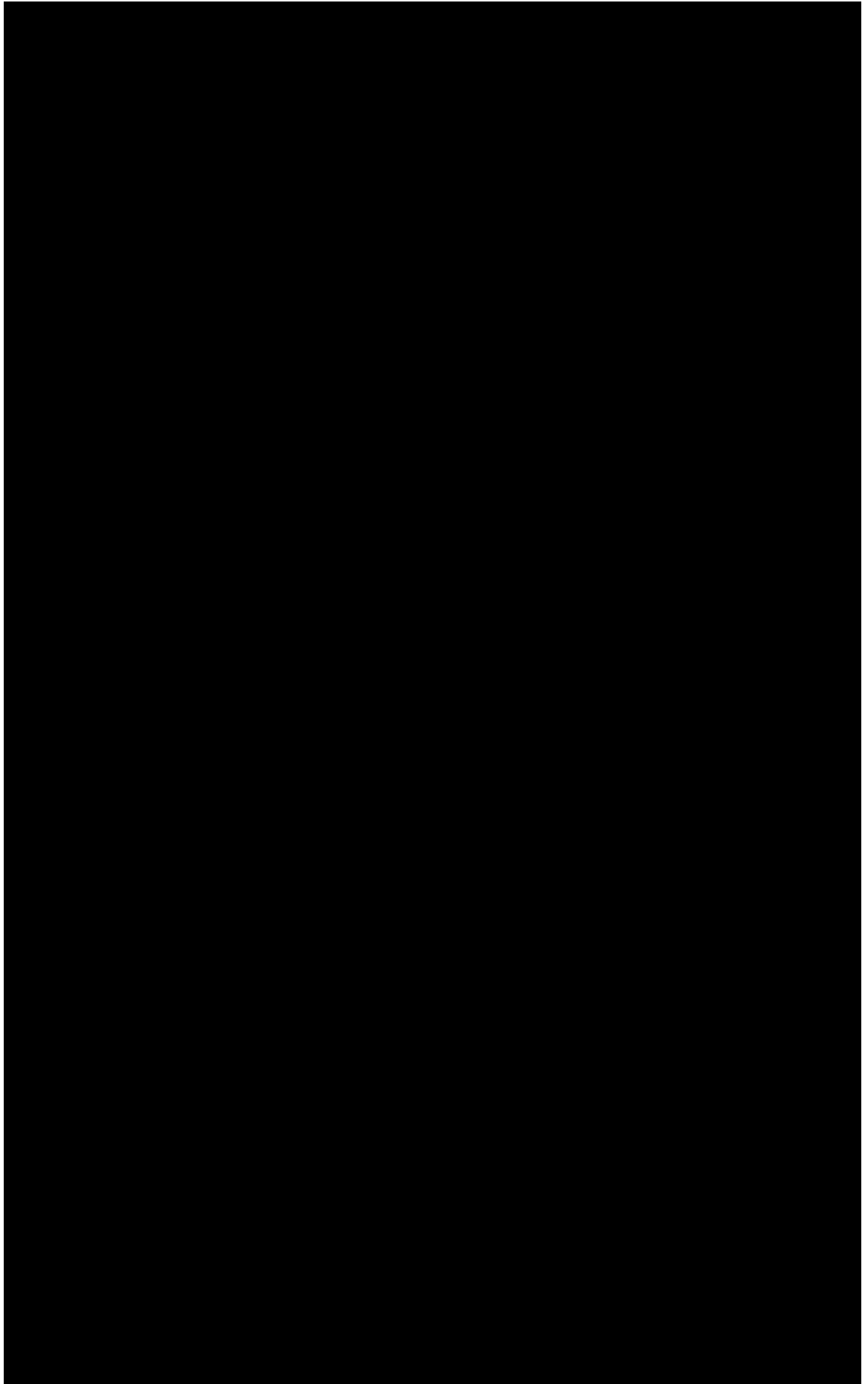
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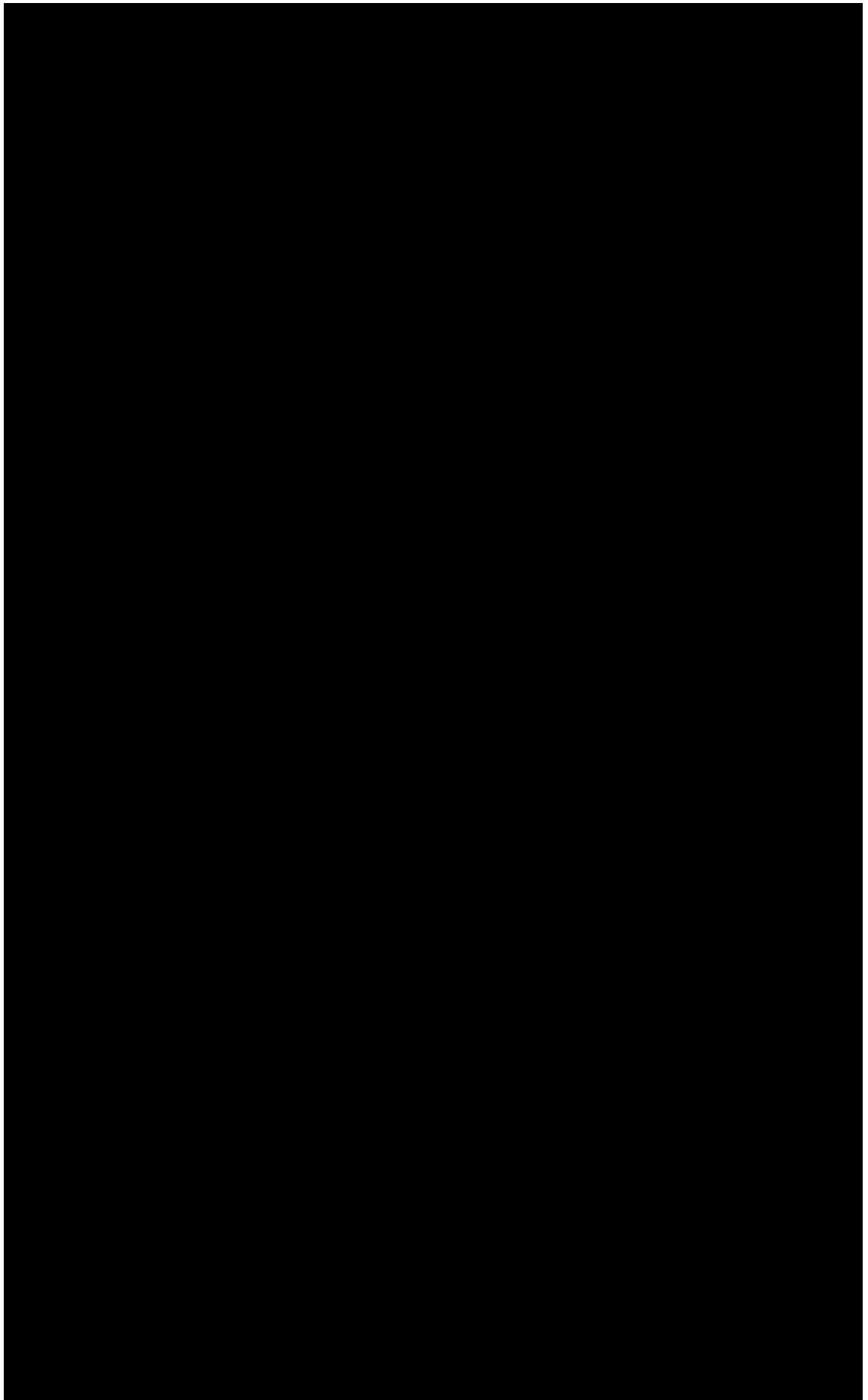
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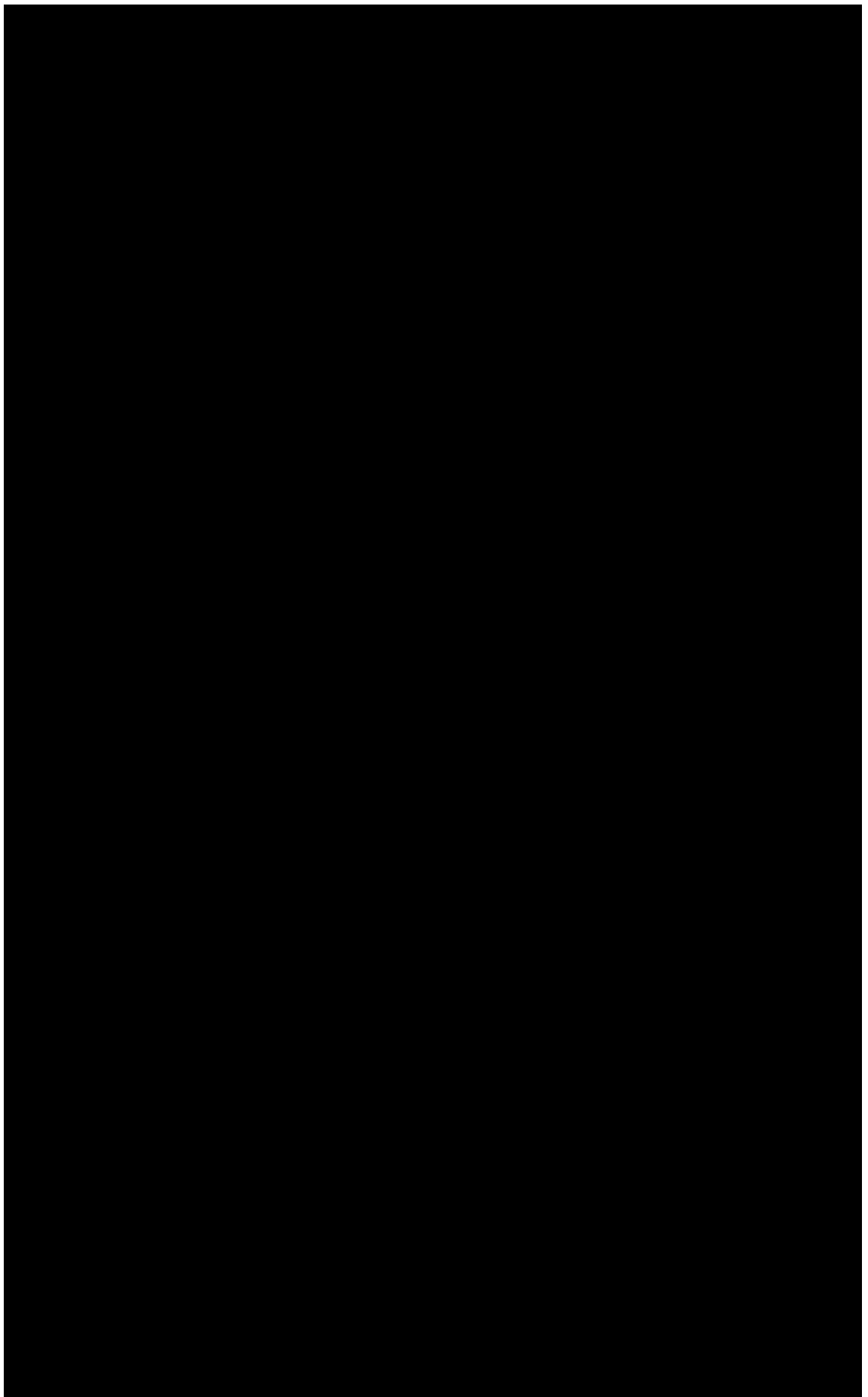
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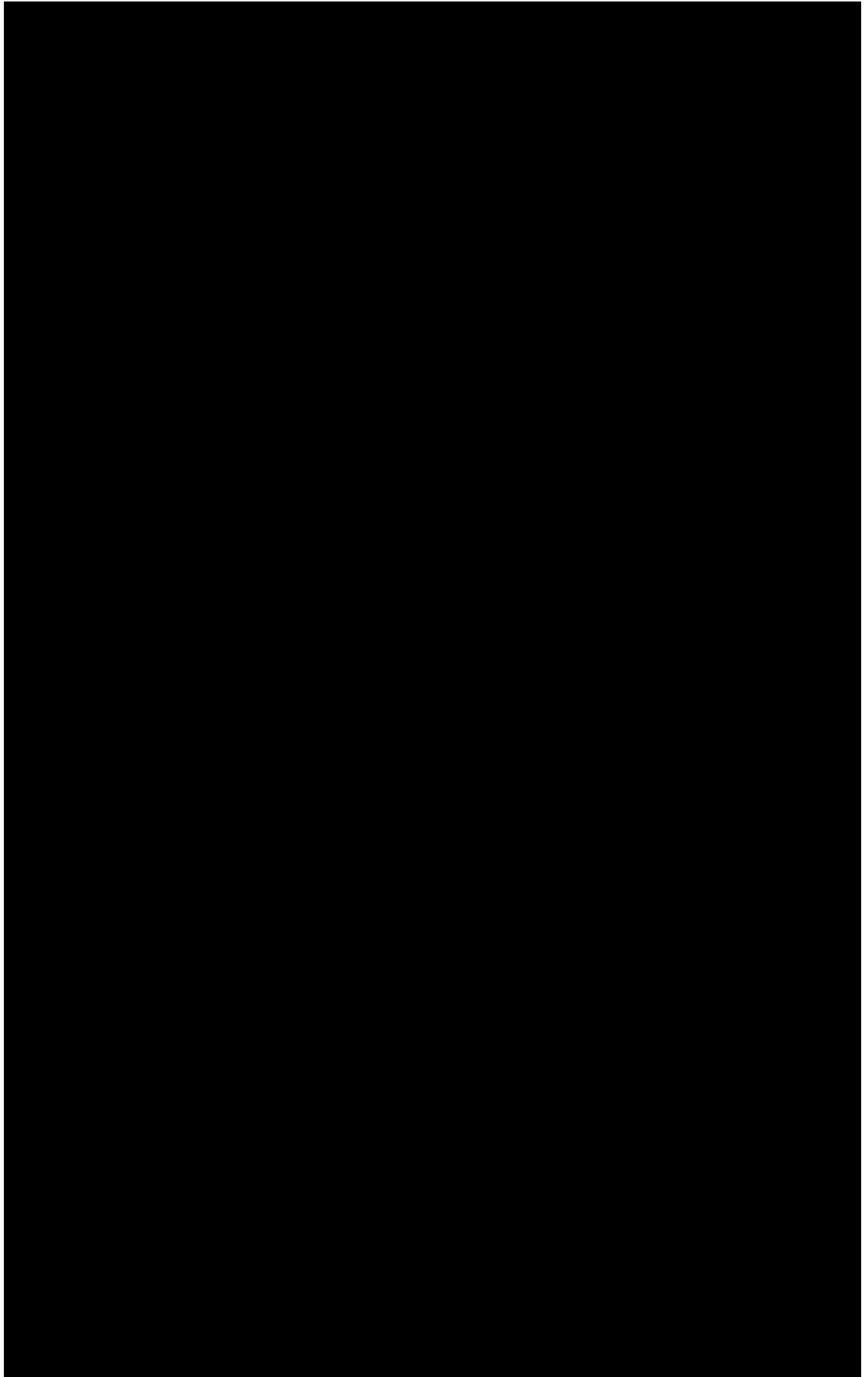
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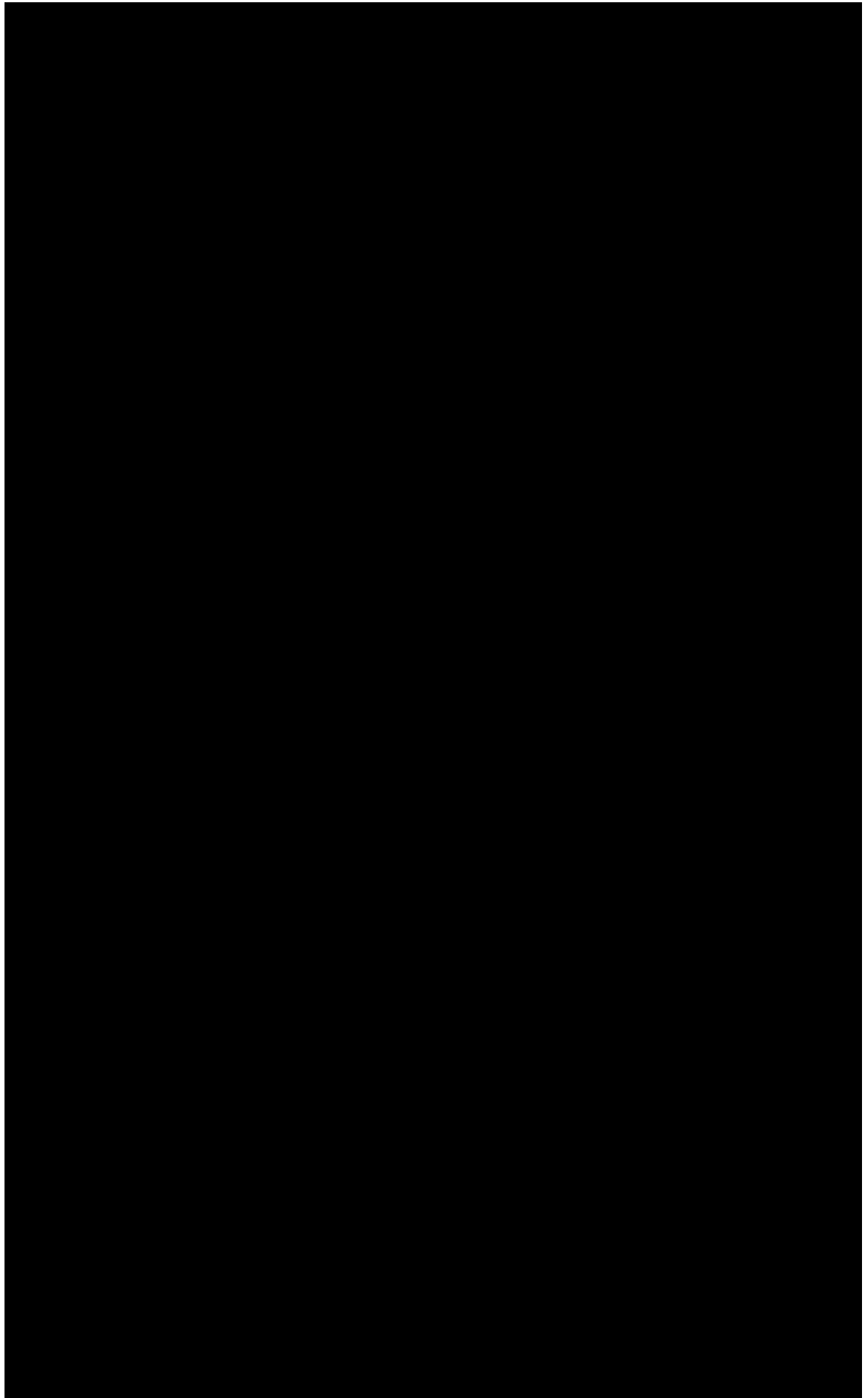
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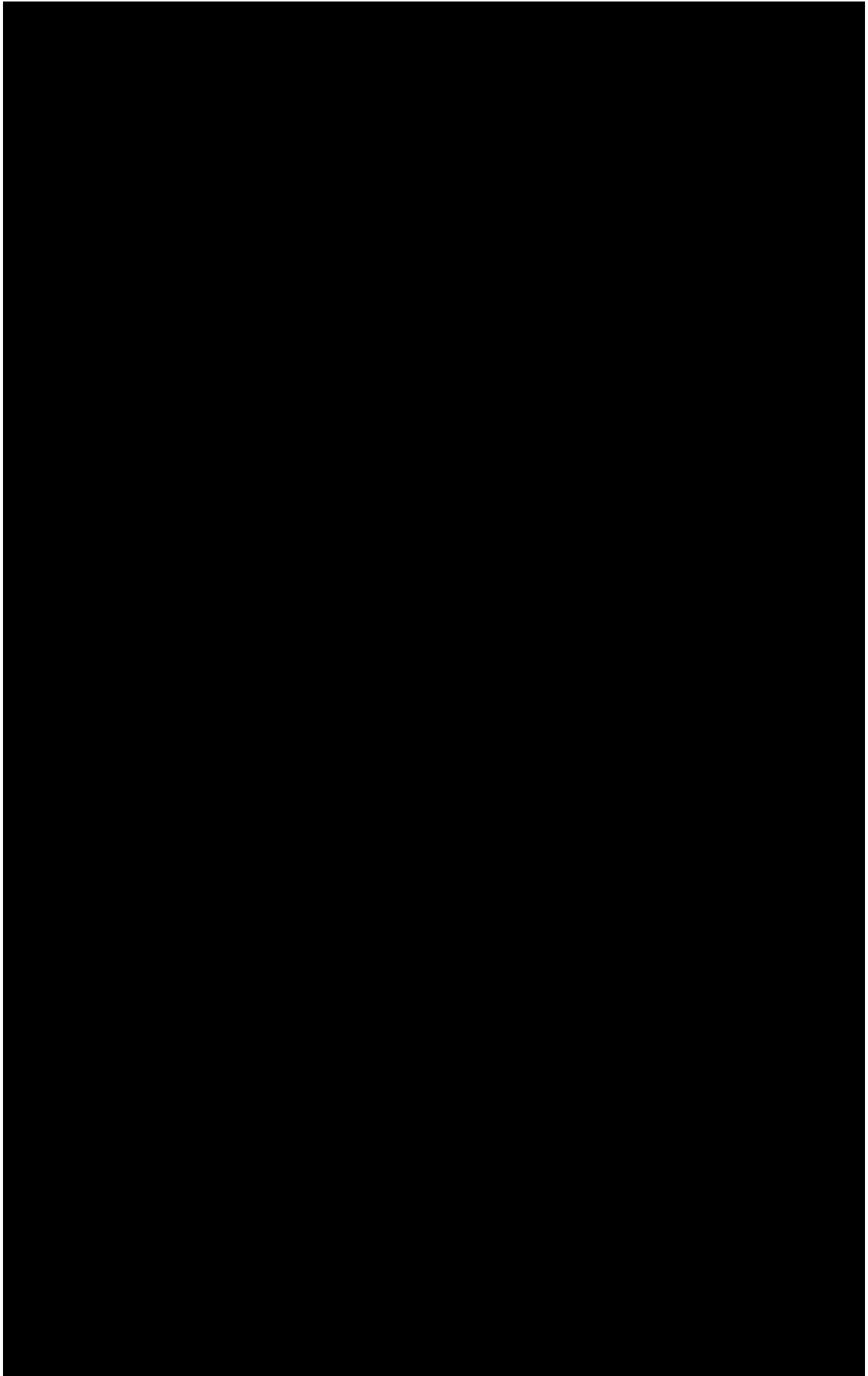
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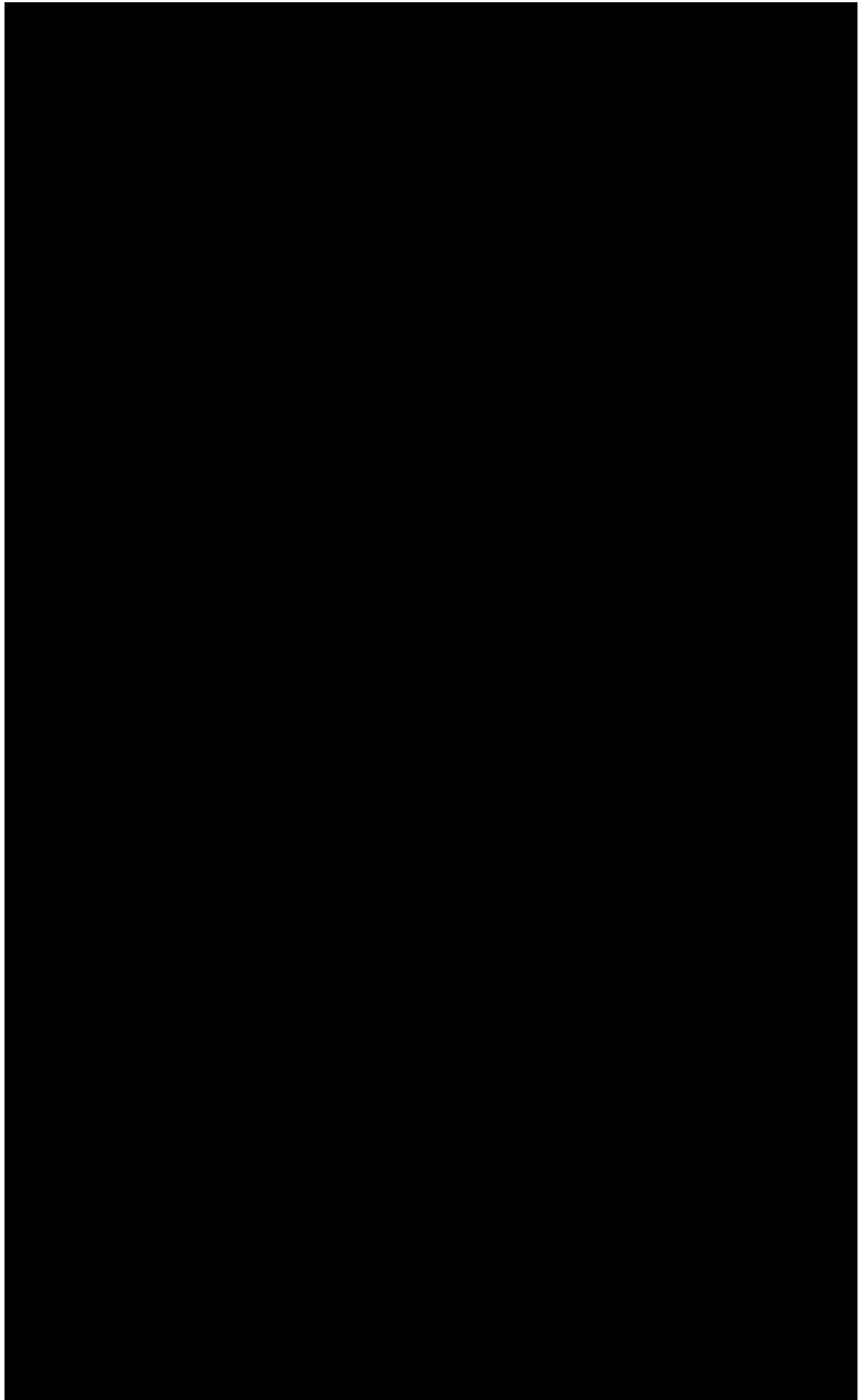
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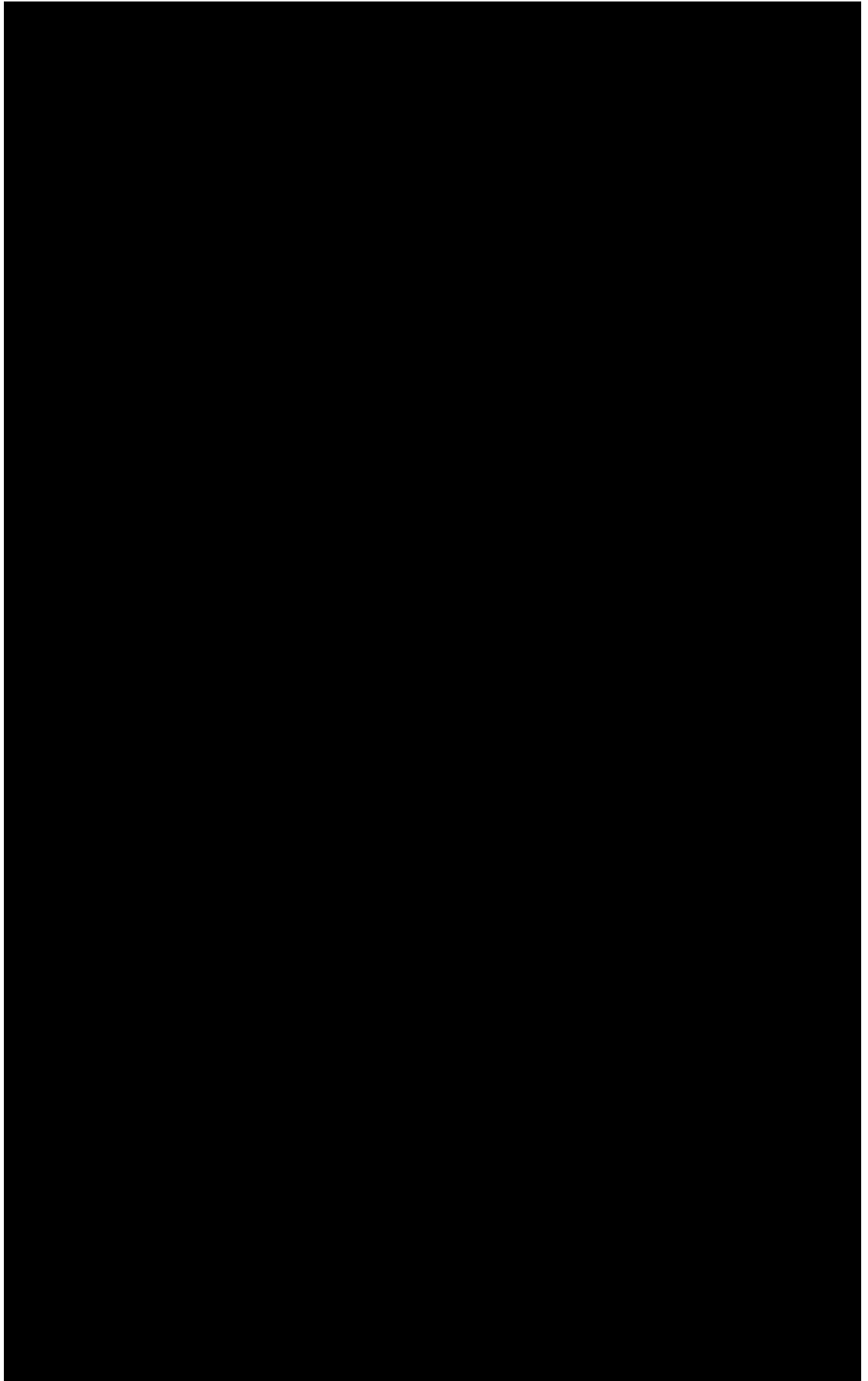
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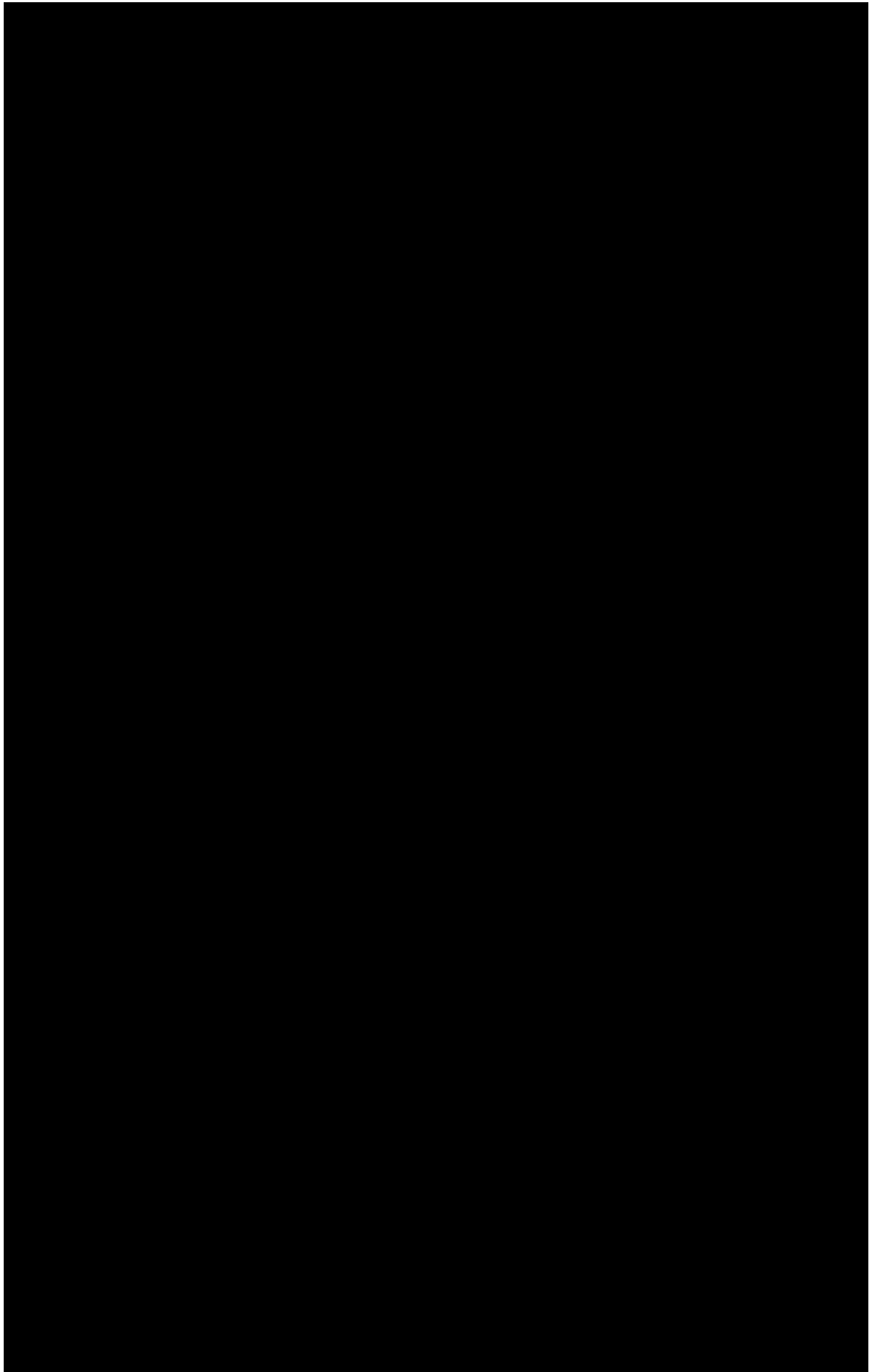
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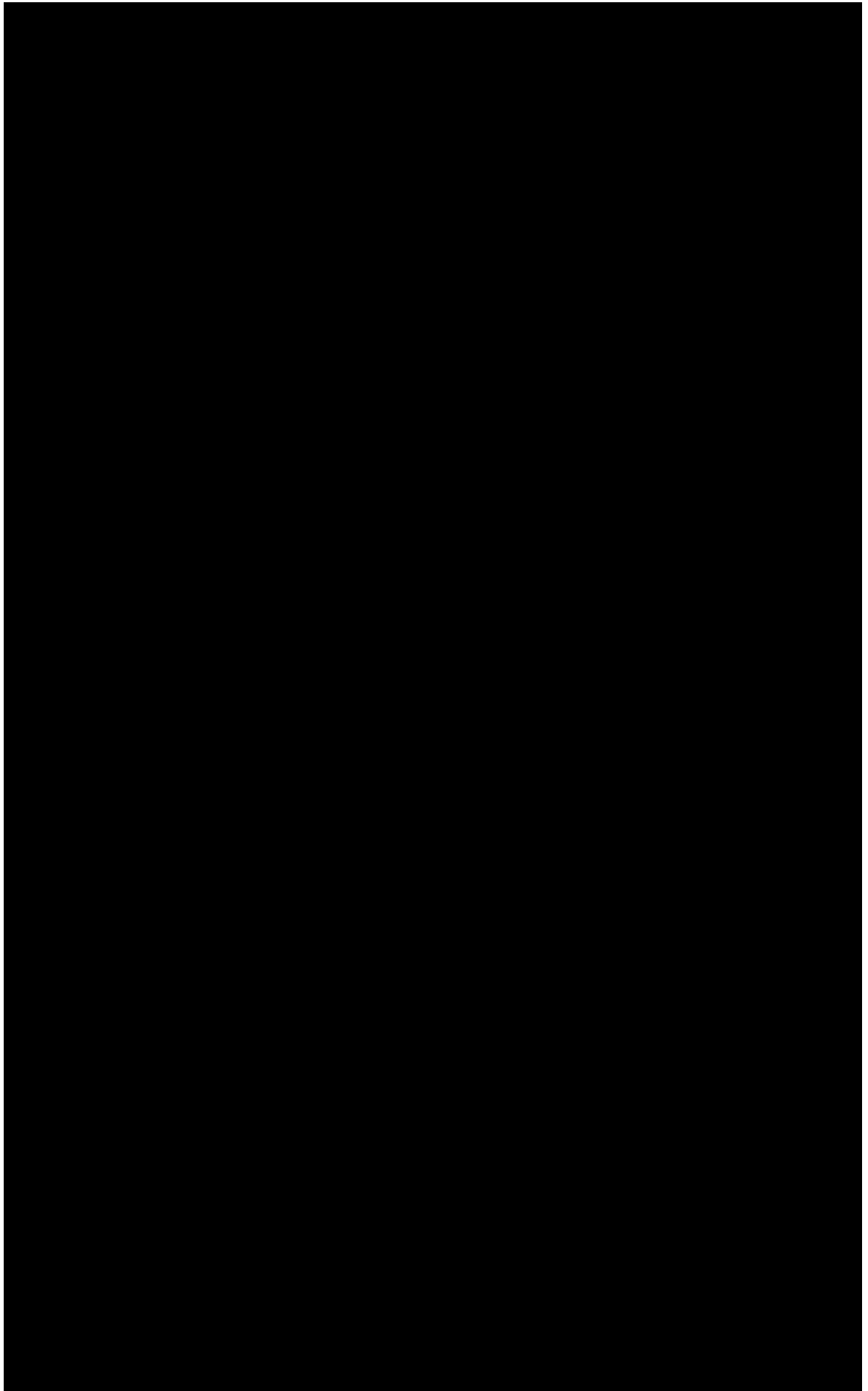
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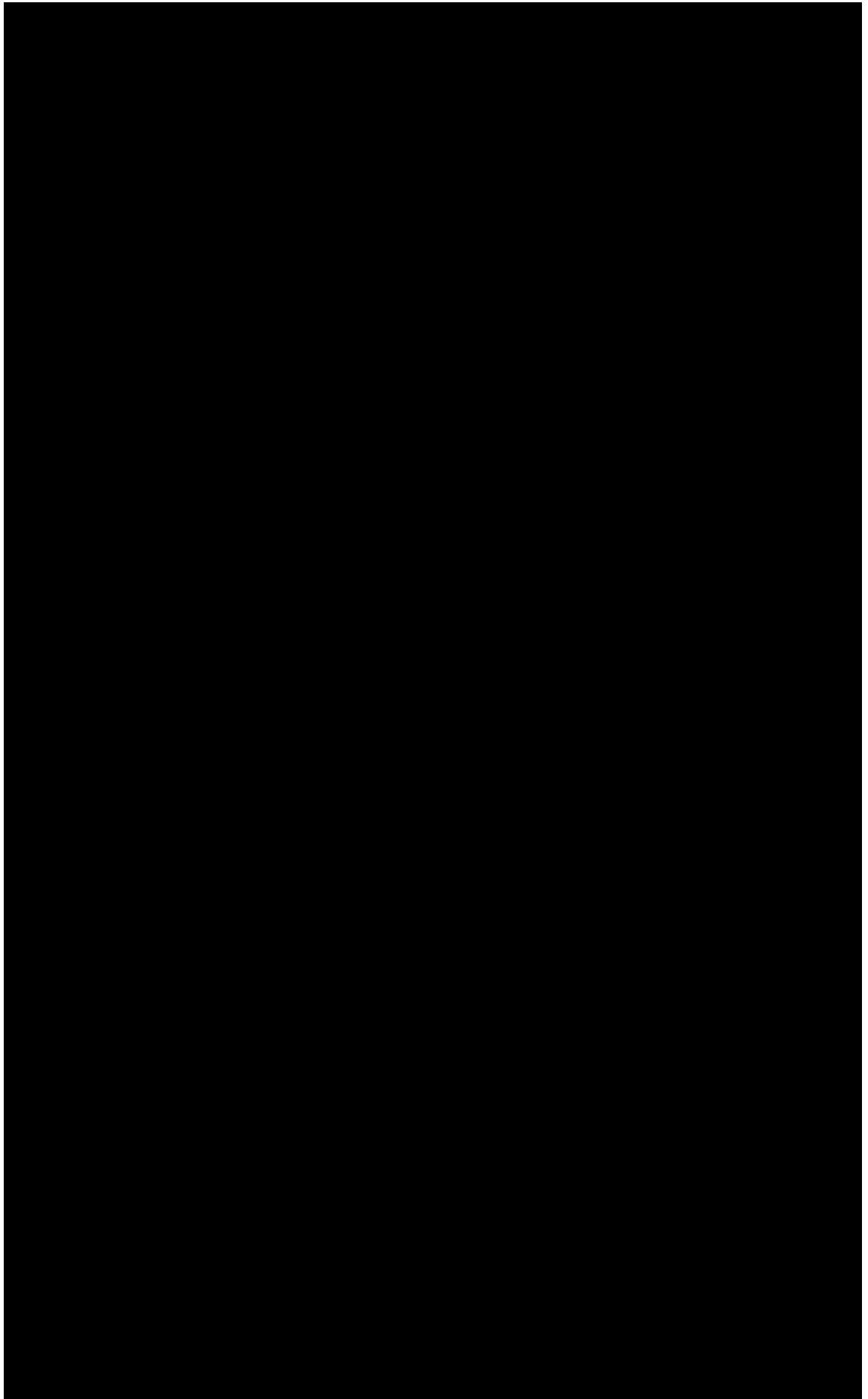
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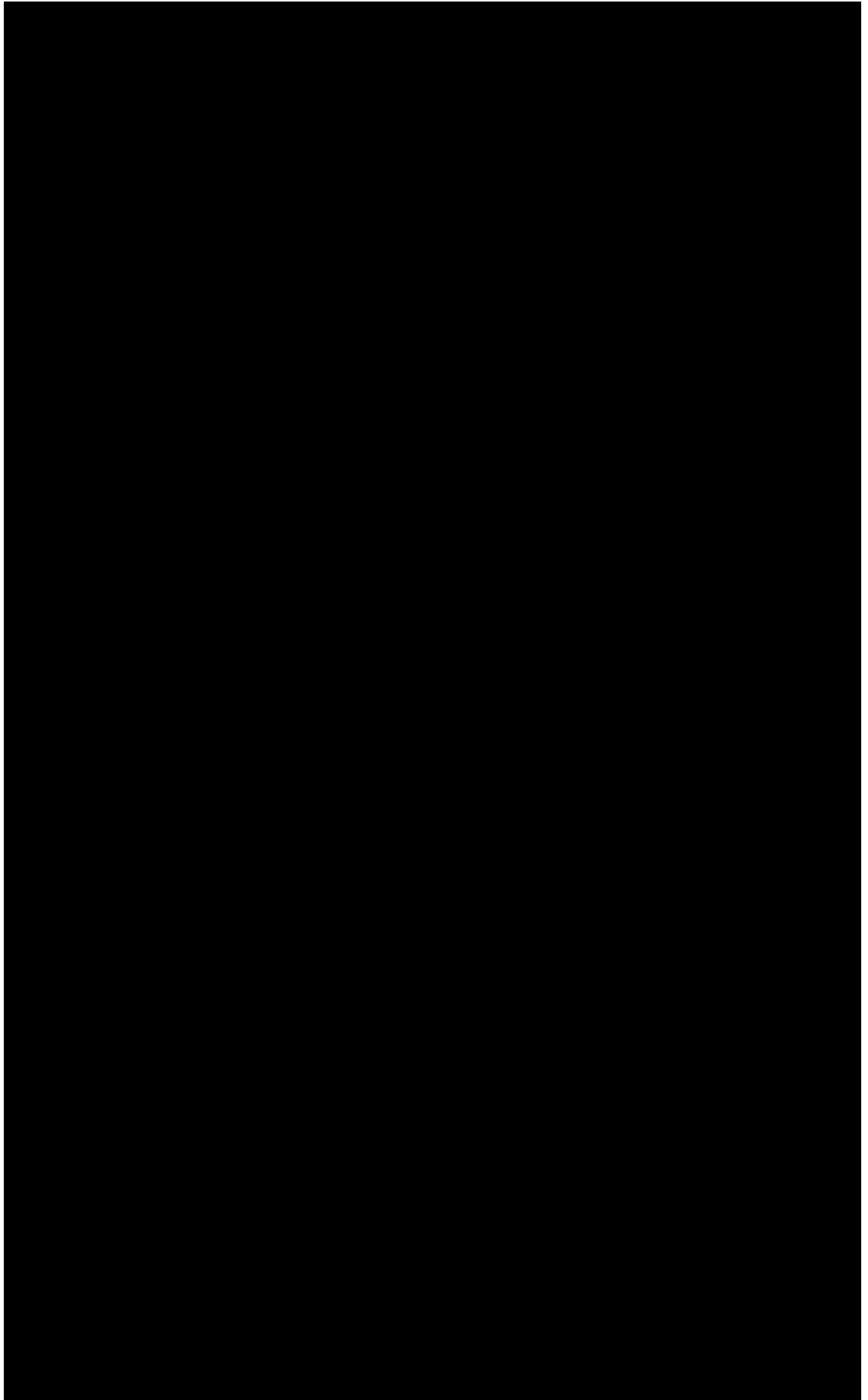
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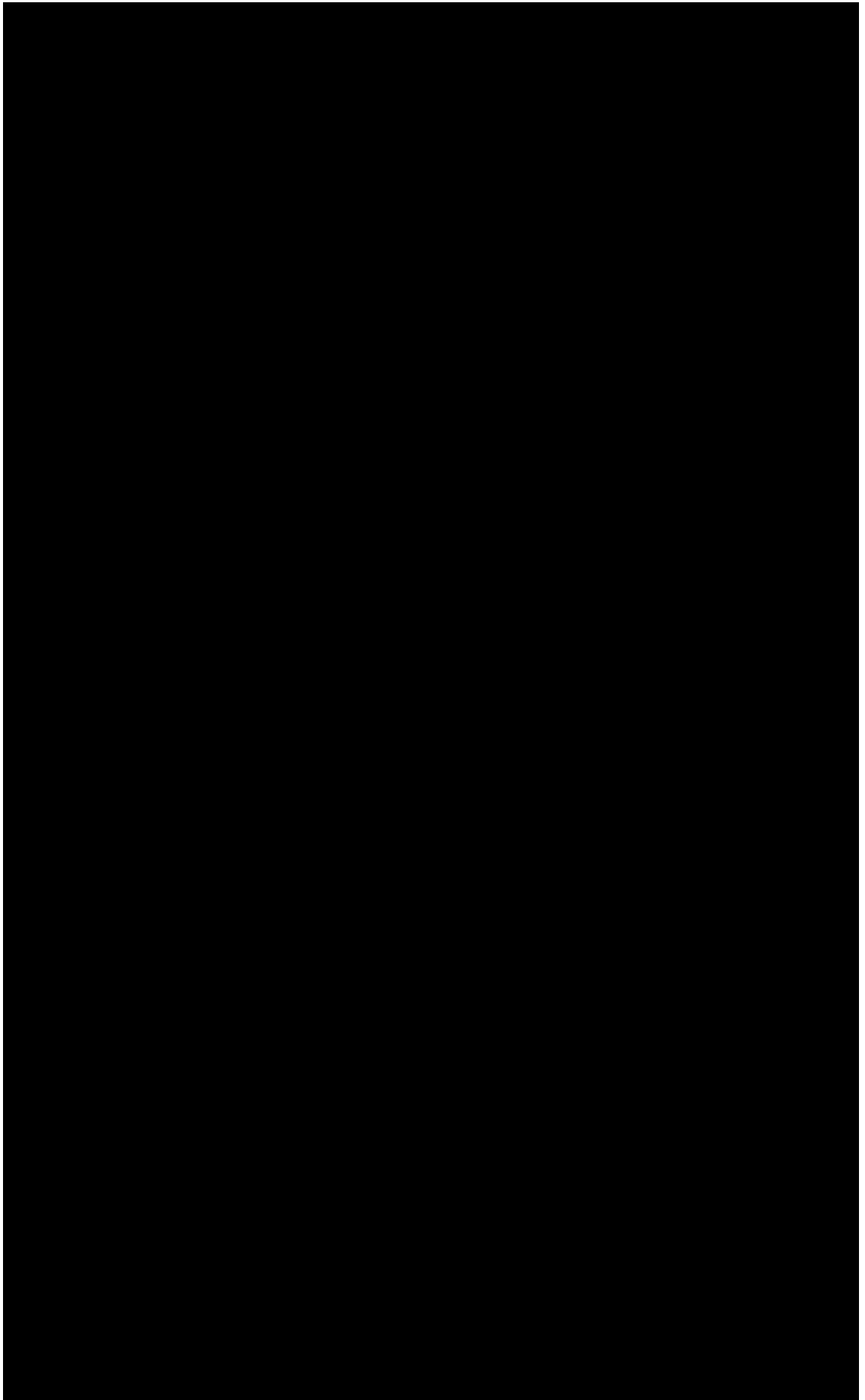
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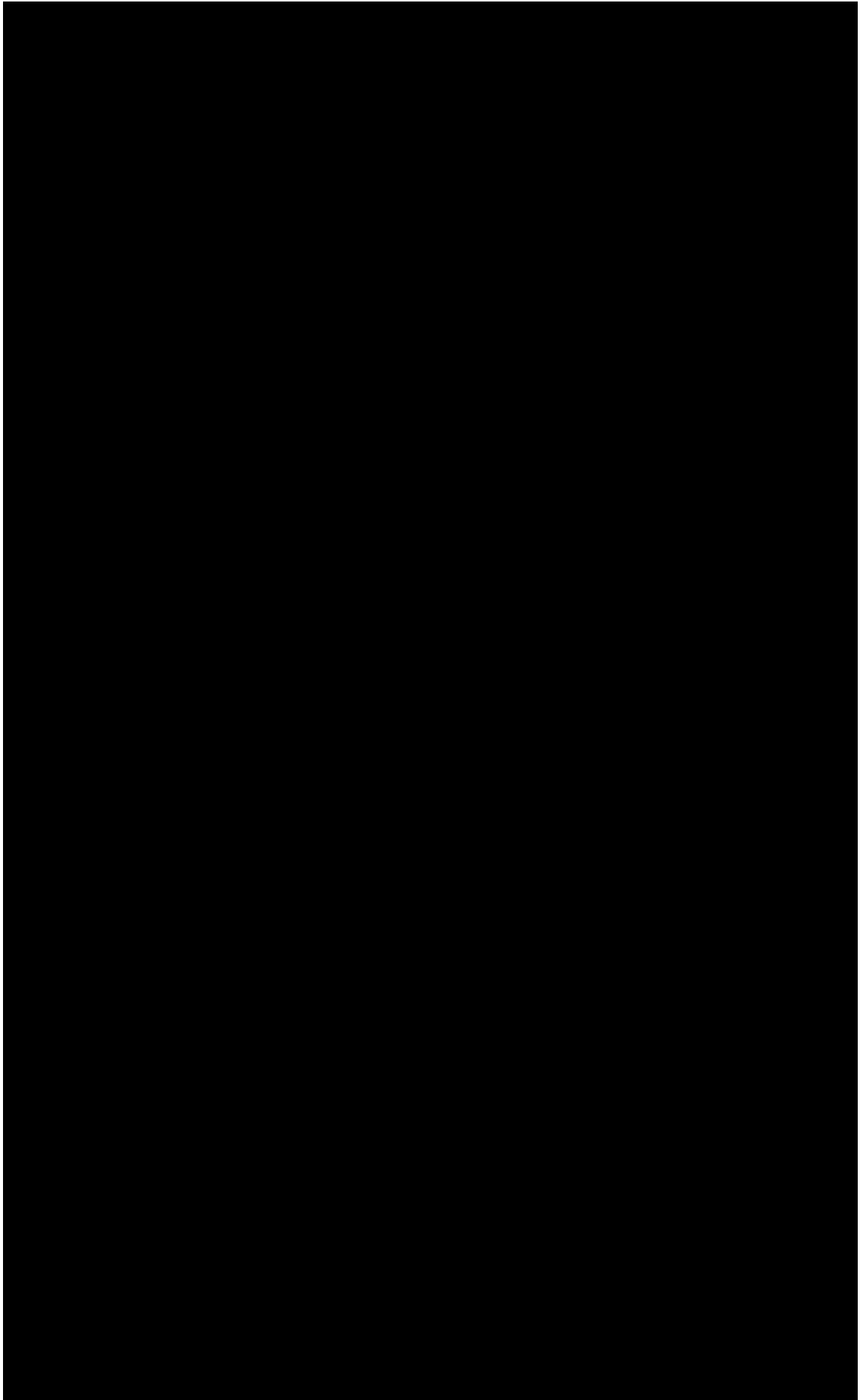
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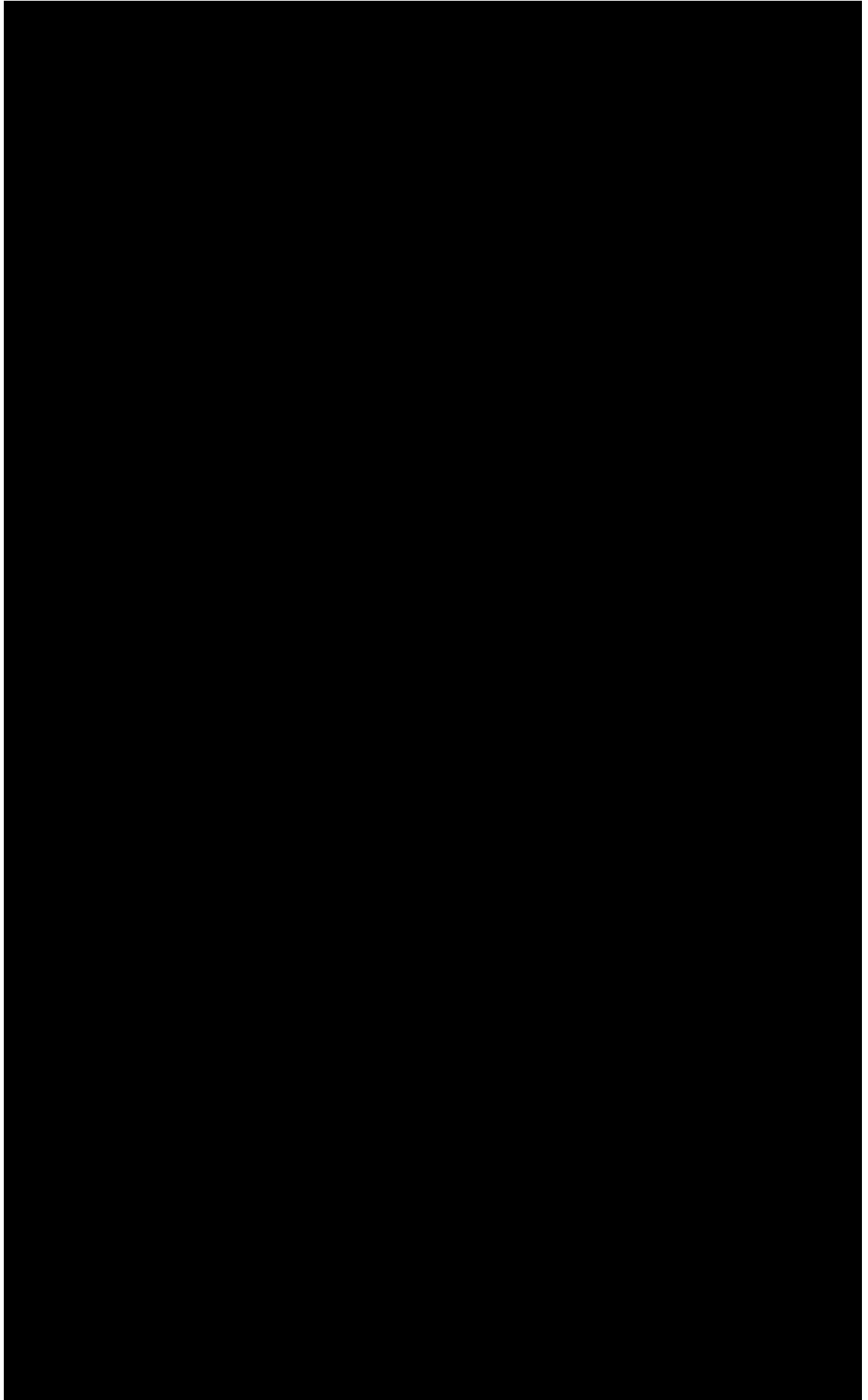
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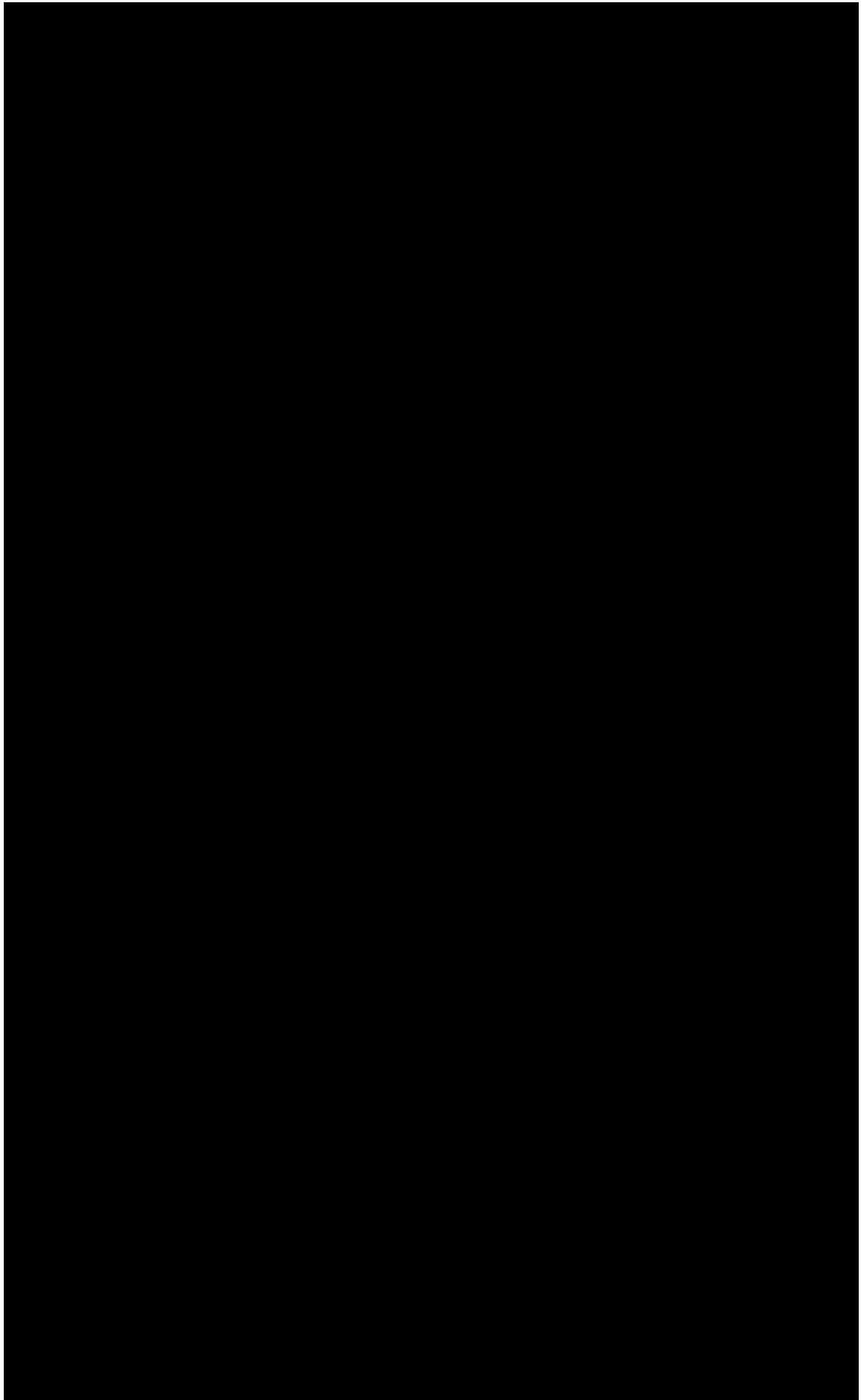
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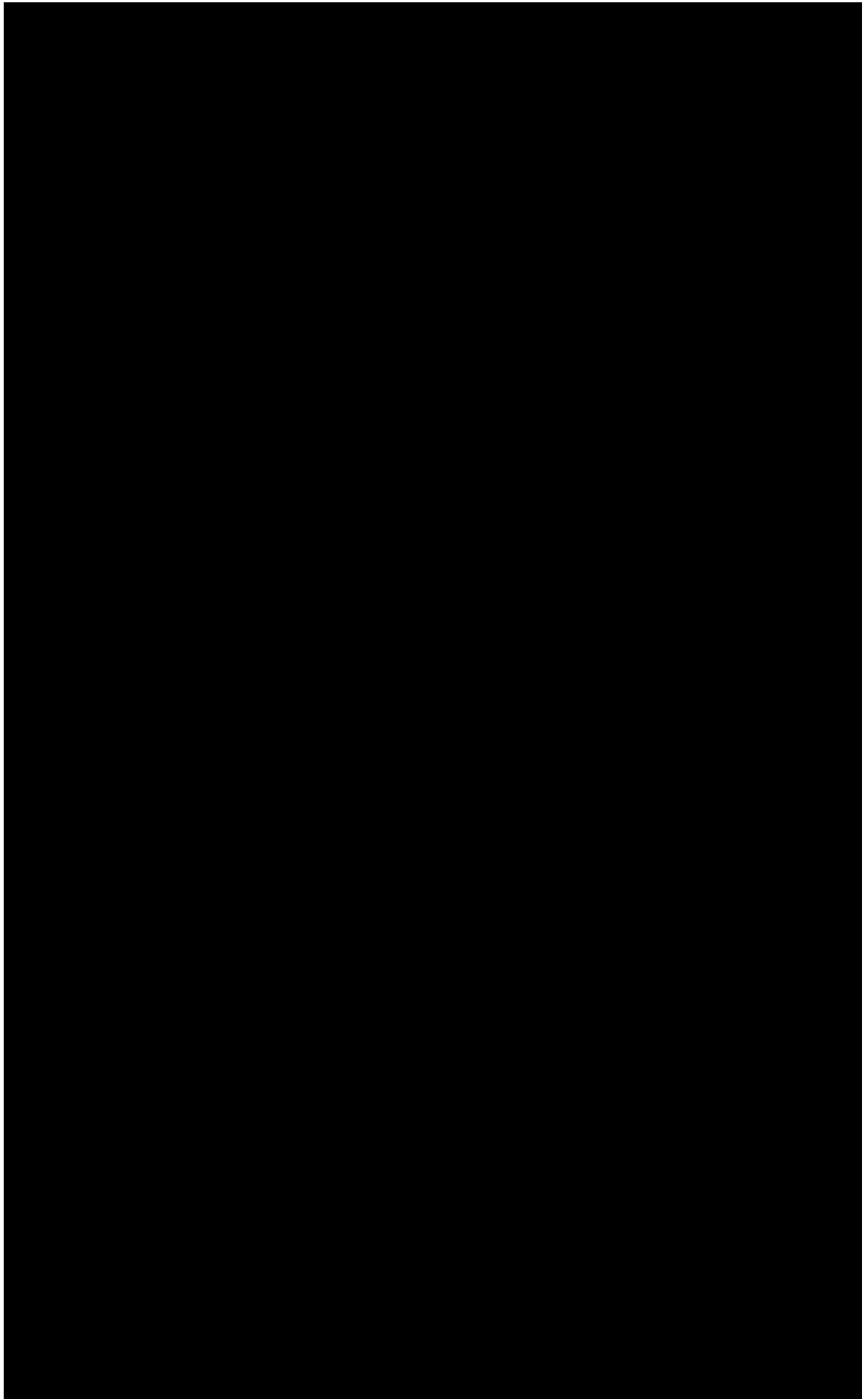
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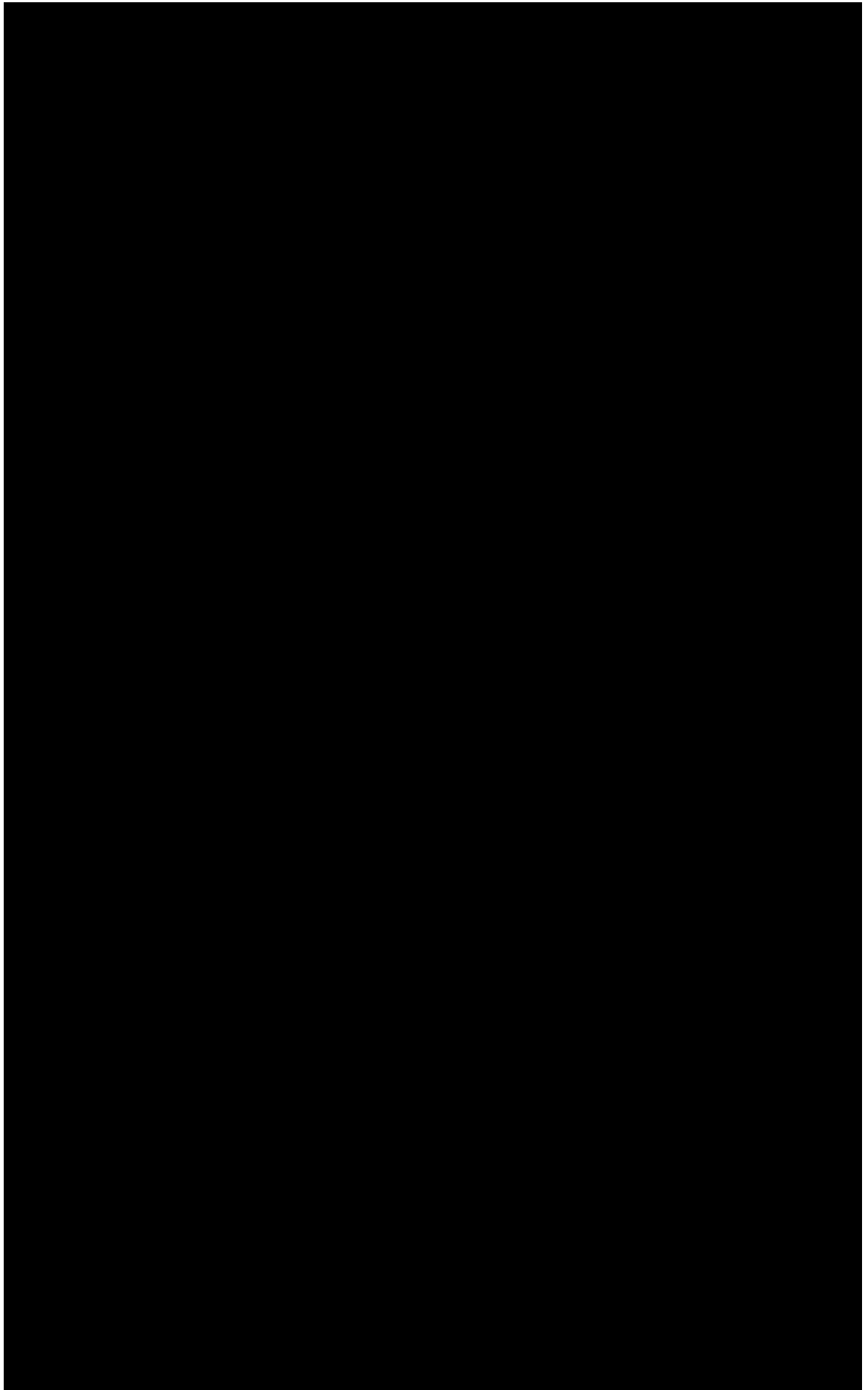
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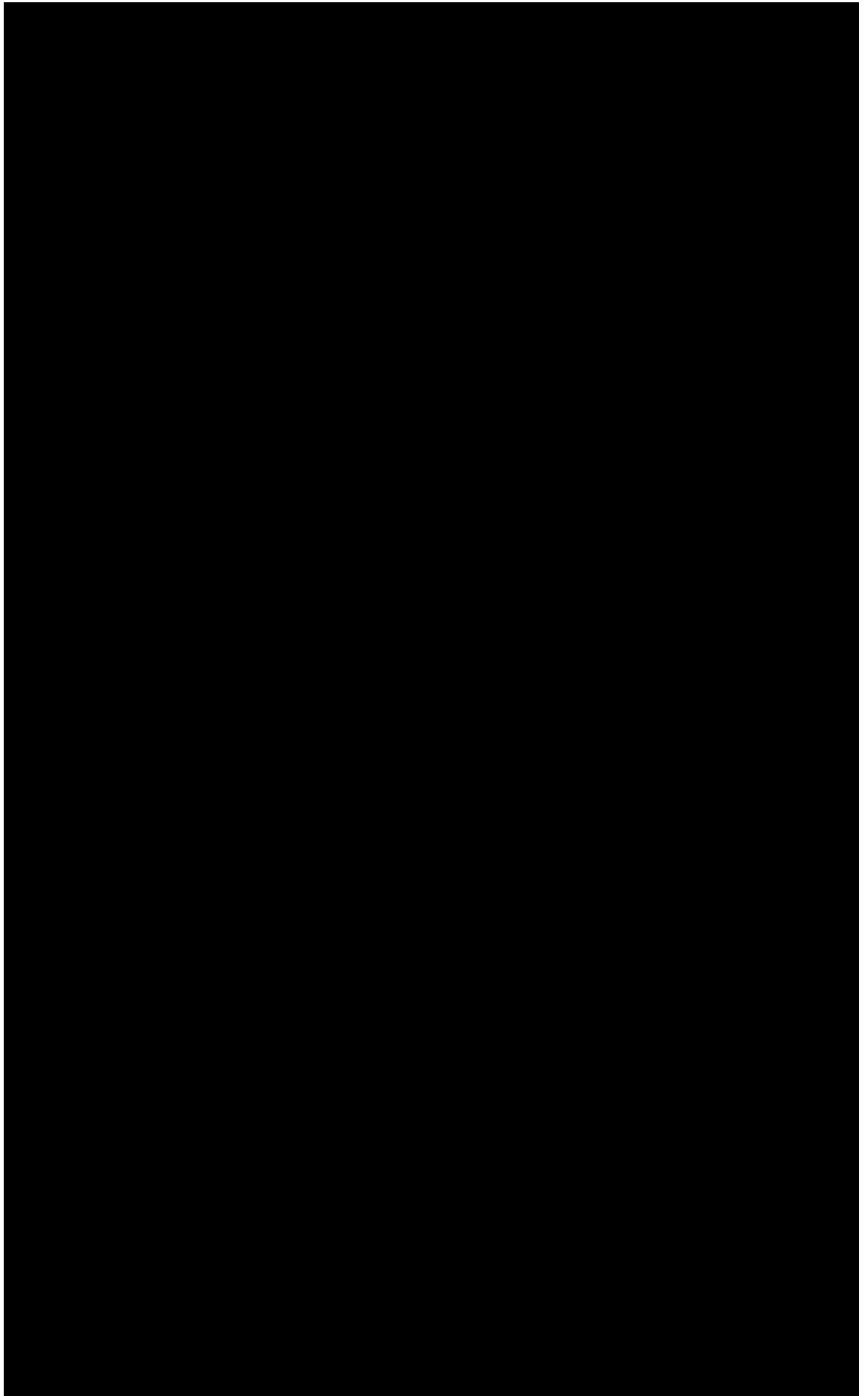
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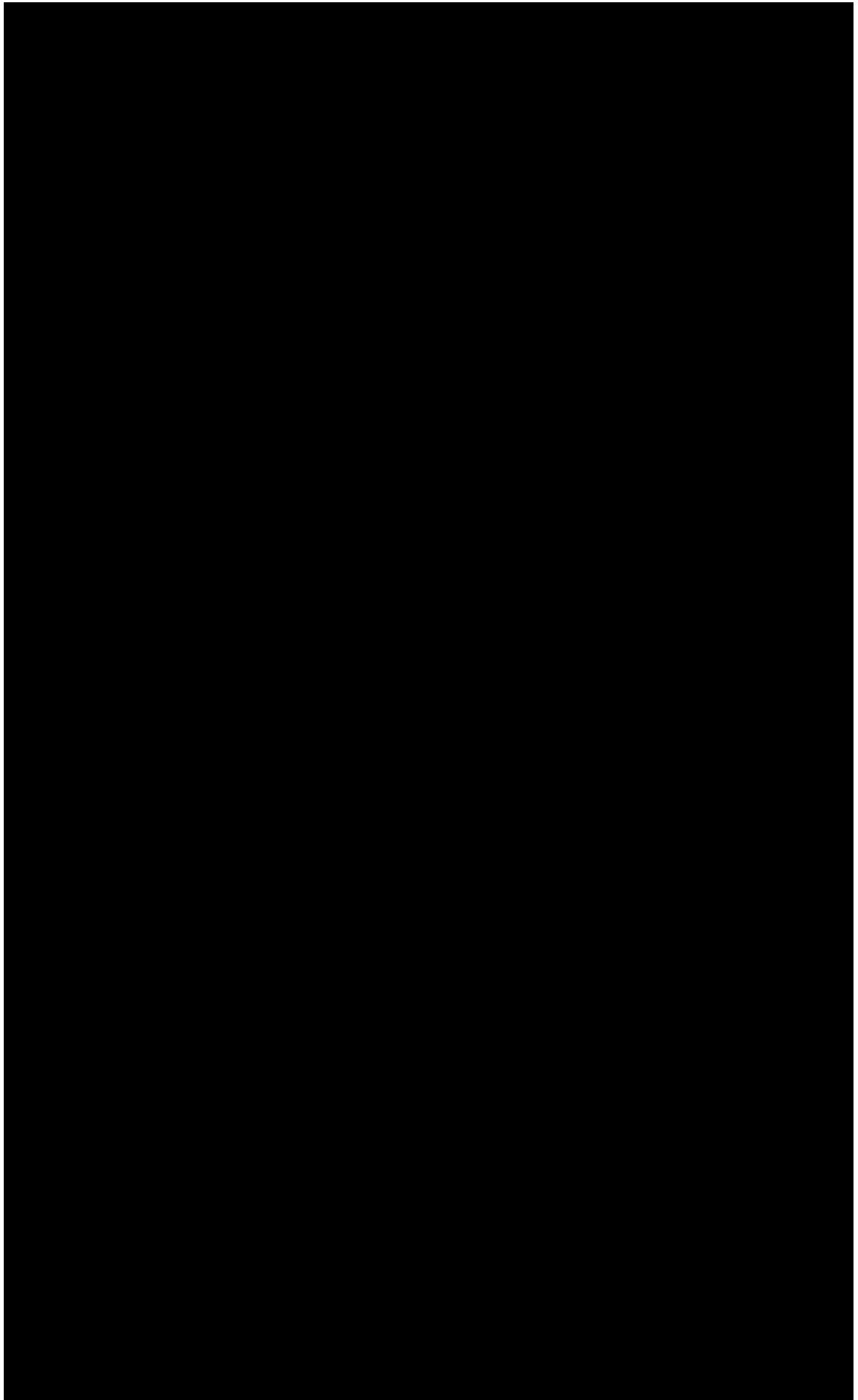
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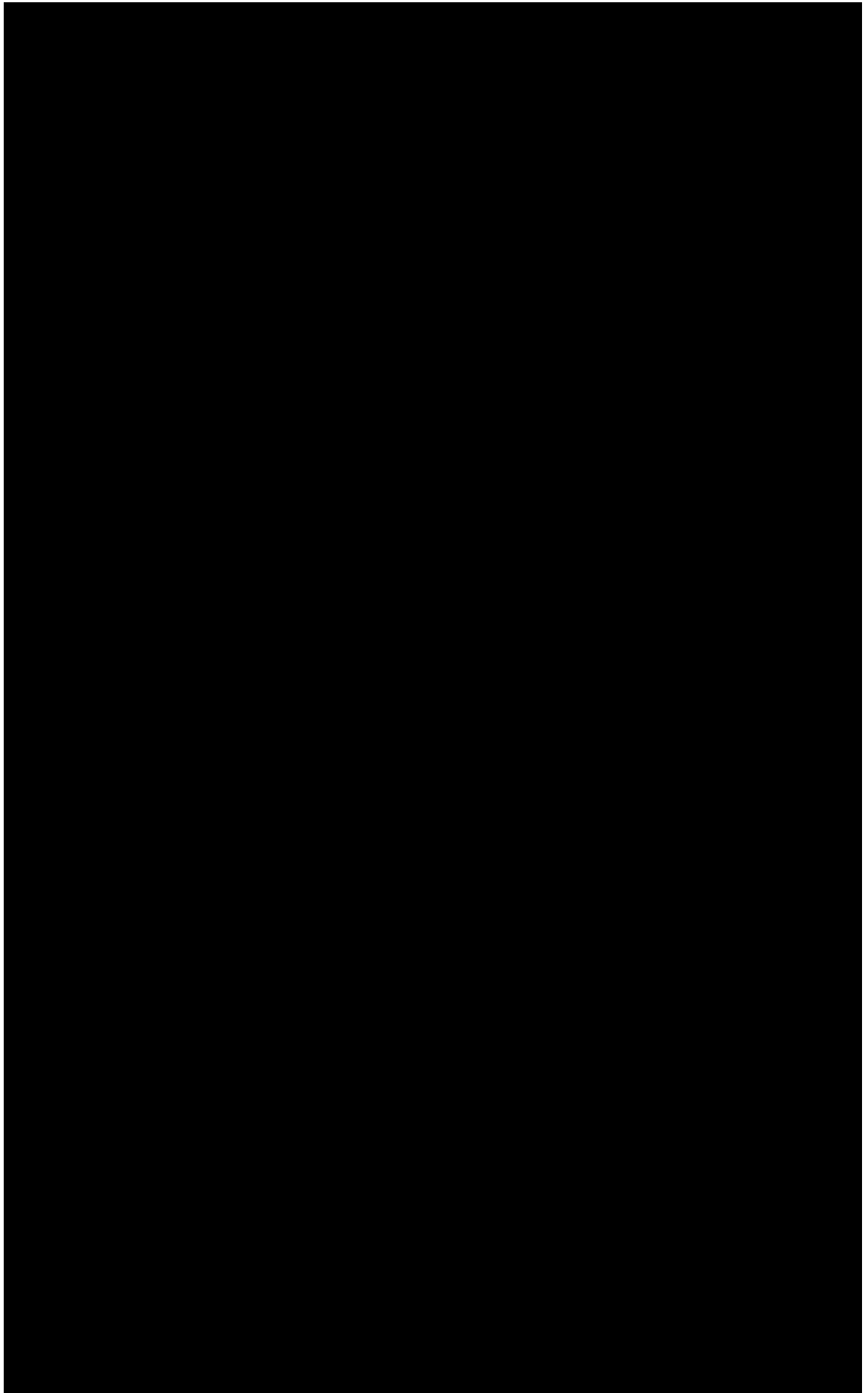
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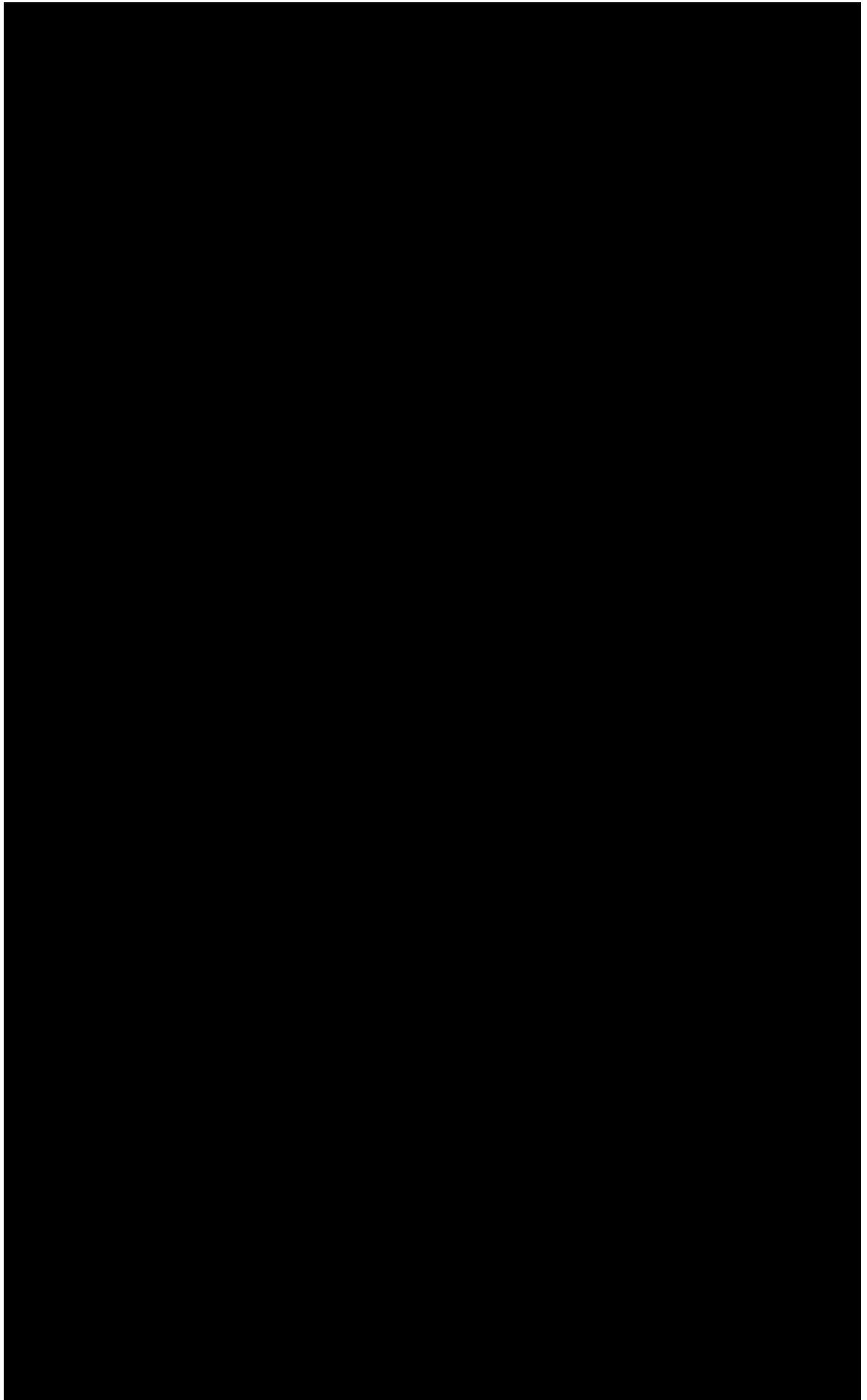
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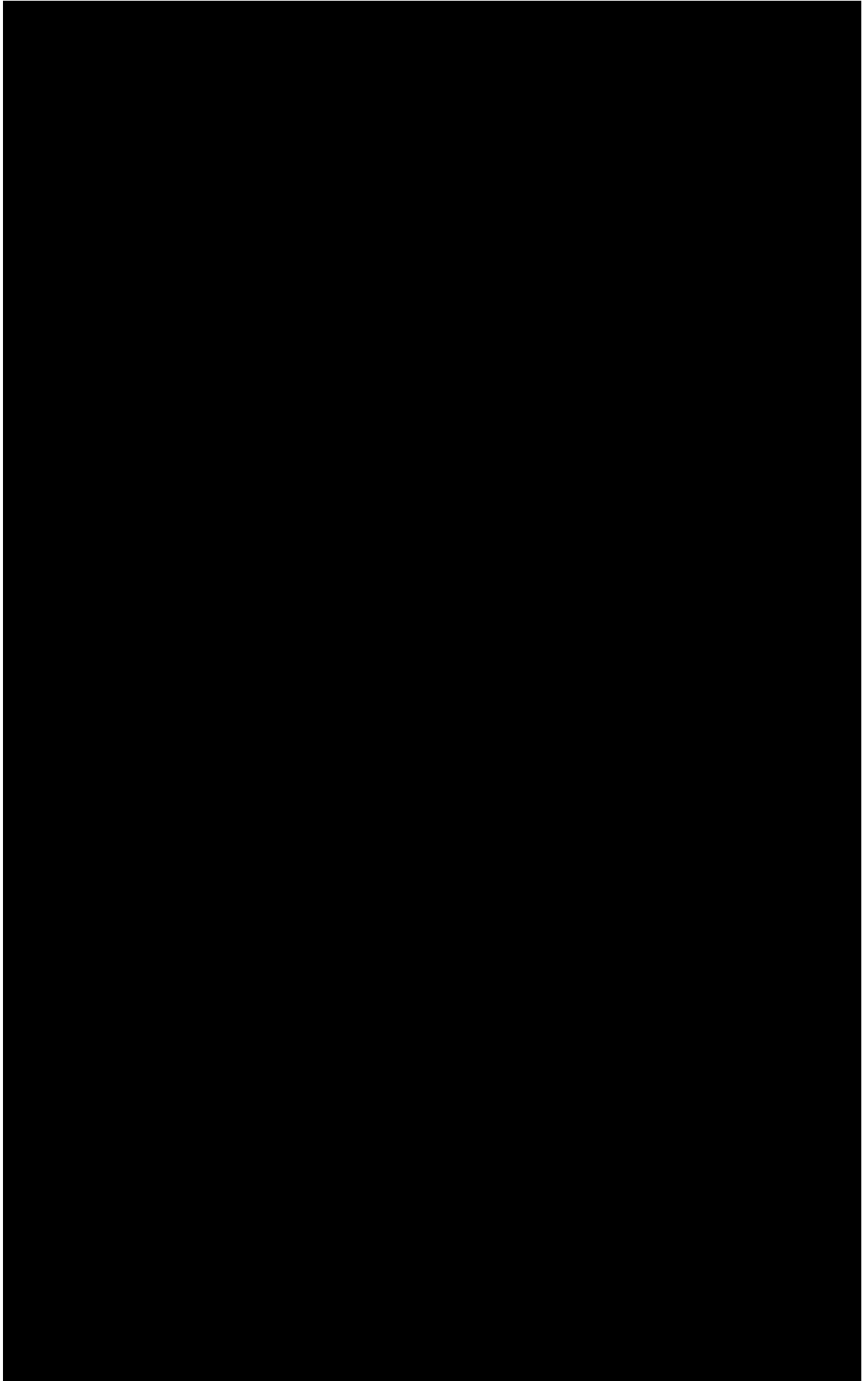
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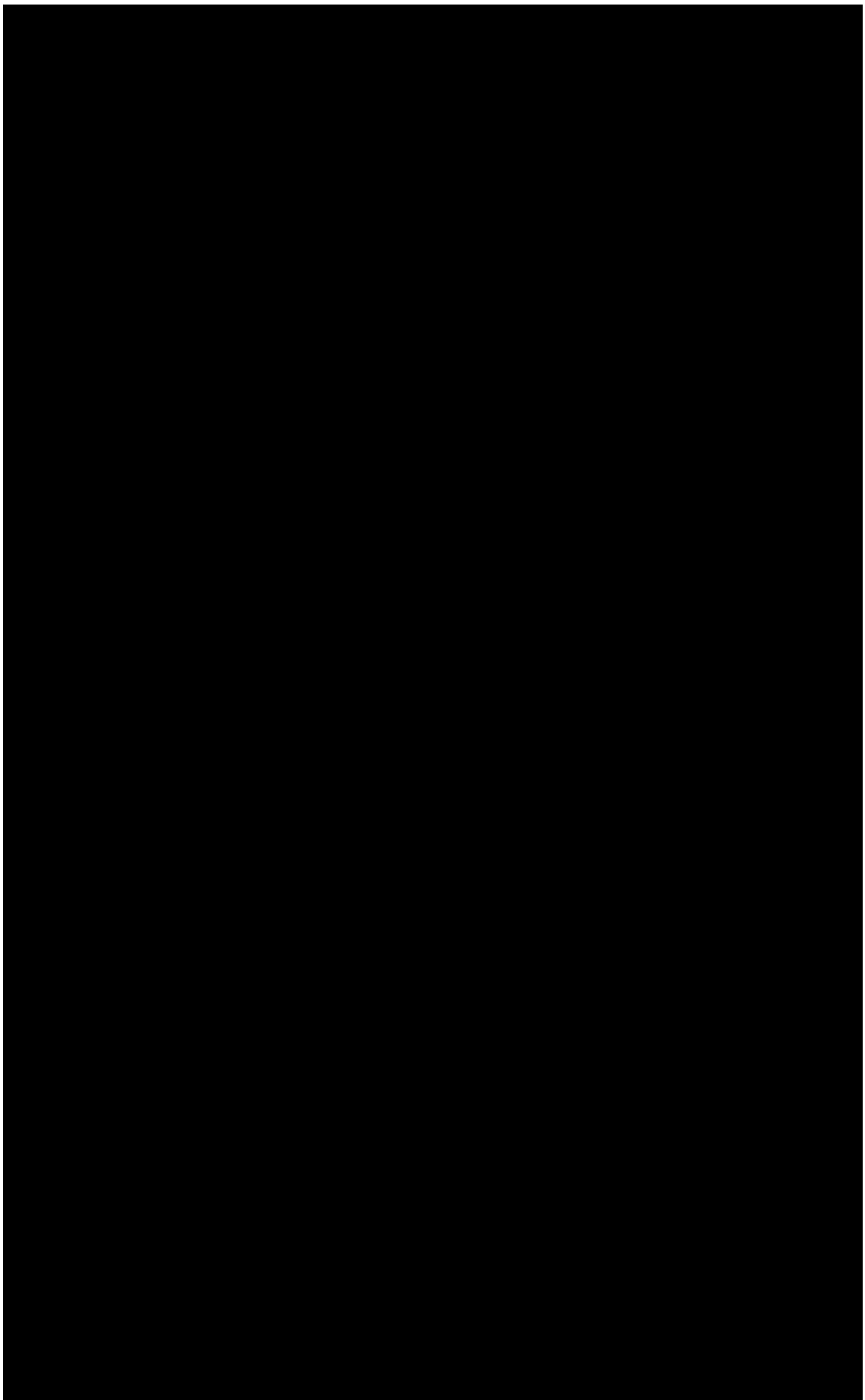
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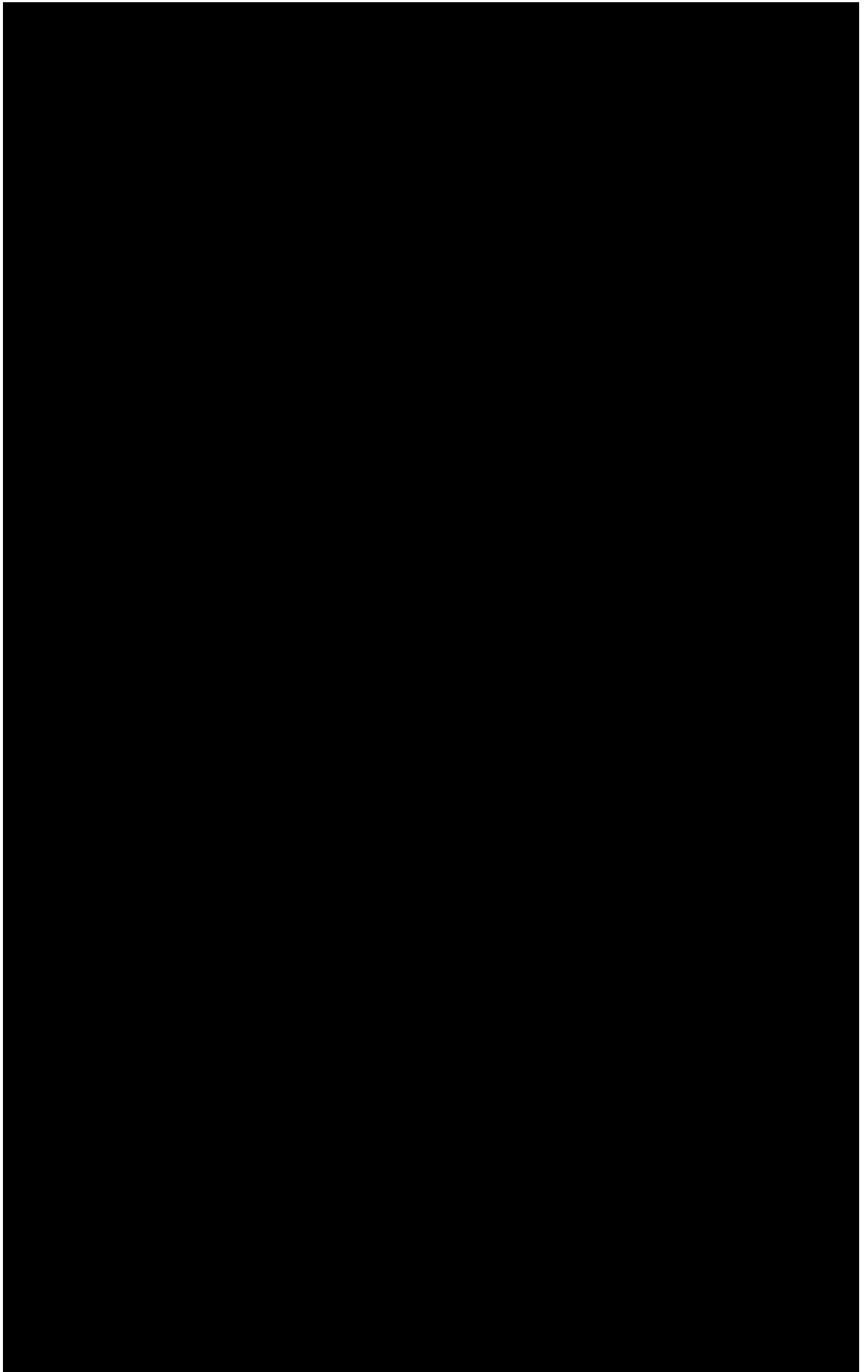
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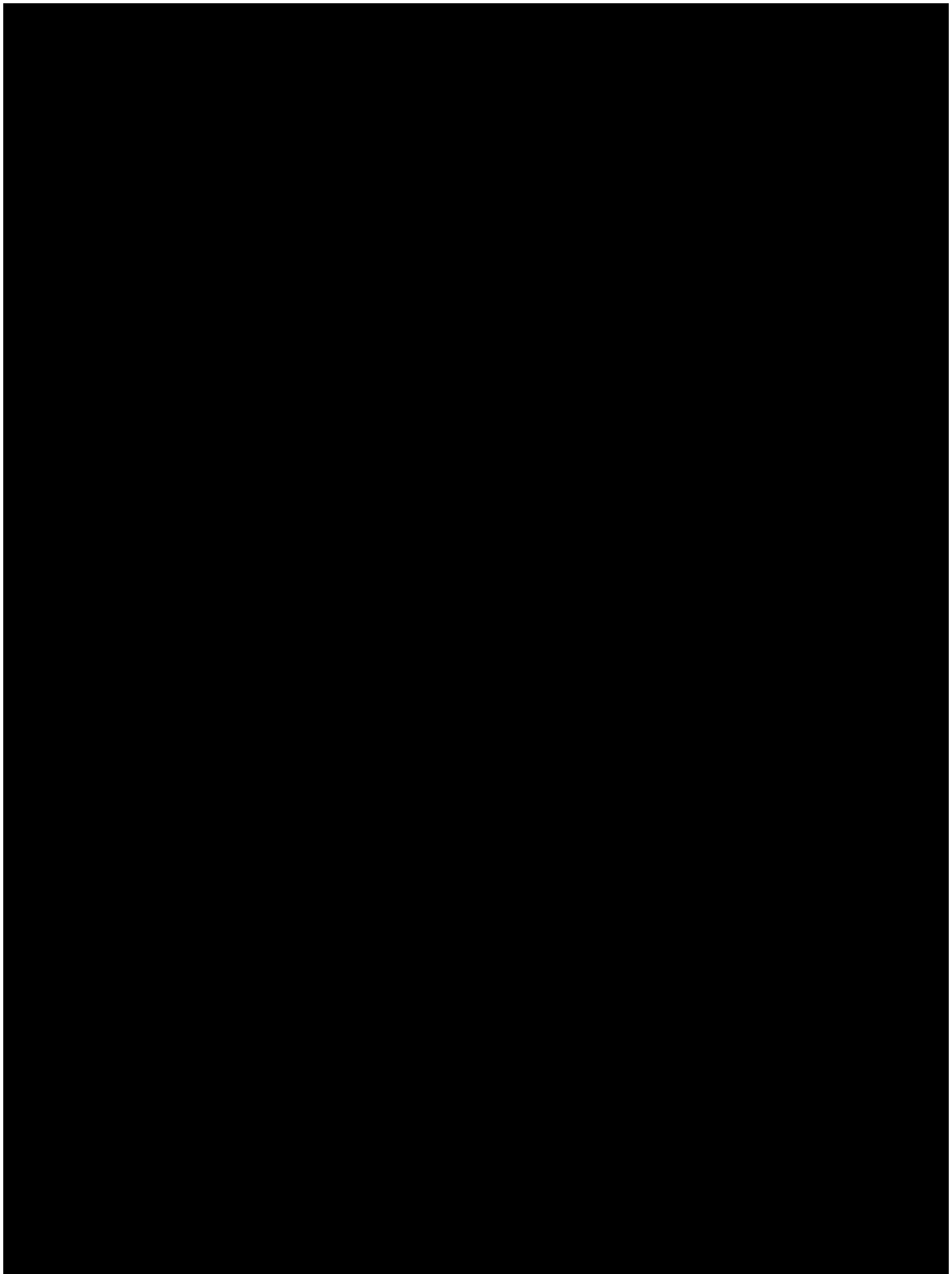
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21 MR. DeROCHE: Let's go off
22 the record for one minute.

23 THE VIDEOGRAPHER: Going off
24 the record. The time is 5:38.

1 (Short break.)

2 THE VIDEOGRAPHER: Going
3 back on record. Beginning of
4 Media File Number 12. The time is
5 5:40.

6 MR. DeROCHE: Thank you for
7 your time. We have nothing
8 further.

9 THE VIDEOGRAPHER: No
10 questions?

11 MS. MILLER: No questions.
12 Thank you.

13 THE VIDEOGRAPHER: This
14 concludes today's deposition.
15 We're going off the record. The
16 time is 5:40.

17 (Excused.)

18 (Deposition concluded at
19 approximately 5:40 p.m.)
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1
2 CERTIFICATE
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4

5 I HEREBY CERTIFY that the
6 witness was duly sworn by me and that the
7 deposition is a true record of the
8 testimony given by the witness.

9 It was requested before
10 completion of the deposition that the
11 witness, FRANK DEVLIN, have the
12 opportunity to read and sign the
13 deposition transcript.

14
15 _____
16 MICHELLE L. GRAY,
17 A Registered Professional
18 Reporter, Certified Shorthand
19 Reporter, Certified Realtime
20 Reporter and Notary Public
21 Dated: January 15, 2019
22
23
24

25 (The foregoing certification
26 of this transcript does not apply to any
27 reproduction of the same by any means,
28 unless under the direct control and/or
29 supervision of the certifying reporter.)
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34

1 INSTRUCTIONS TO WITNESS

2
3 Please read your deposition
4 over carefully and make any necessary
5 corrections. You should state the reason
6 in the appropriate space on the errata
7 sheet for any corrections that are made.

8 After doing so, please sign
9 the errata sheet and date it.

10 You are signing same subject
11 to the changes you have noted on the
12 errata sheet, which will be attached to
13 your deposition.

14 It is imperative that you
15 return the original errata sheet to the
16 deposing attorney within thirty (30) days
17 of receipt of the deposition transcript
18 by you. If you fail to do so, the
19 deposition transcript may be deemed to be
20 accurate and may be used in court.

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E R R A T A

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4 PAGE LINE CHANGE

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REASON:

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REASON:

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2 ACKNOWLEDGMENT OF DEPONENT
3

4 I, _____, do
5 hereby certify that I have read the
6 foregoing pages, 1 - 490, and that the
7 same is a correct transcription of the
8 answers given by me to the questions
9 therein propounded, except for the
10 corrections or changes in form or
11 substance, if any, noted in the attached
12 Errata Sheet.
13
14
15

16 _____
FRANK DEVLIN

DATE

17
18
19 Subscribed and sworn
to before me this

20 _____ day of _____, 20____.

21 My commission expires: _____
22 _____

23 Notary Public
24

	LAWYER'S NOTES		
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